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# **The Environmental Assessment and Management (TEAM) Guide: Virgin Islands Supplement**

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# **The Environmental Assessment and Management (TEAM) Guide: Virgin Islands Supplement**

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Final report

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**Abstract:** Environmental assessments help determine compliance with current environmental regulations. The U.S. Air Force, U.S. Army, Defense Logistics Agency (DLA), and Corps of Engineers (Civil Works) have adopted environmental compliance programs that identify compliance problems before they are cited as violations by the U.S. Environmental Protection Agency.

Since 1984, the U.S. Army Construction Engineering Research Laboratory, in cooperation with numerous Department of Defense (DOD) components, has developed environmental compliance assessment checklist manuals. The Environmental Assessment and Management (TEAM) Guide was developed for use by all DOD components. Currently there are five participating DOD components: the Air Force, Air National Guard, Army, Civil Works, and DLA. These agencies have agreed to share the development and maintenance of this Guide.

The Guide combines Code of Federal Regulations and management practices into a series of checklists that show legal requirements and the specific operations or items to review. TEAM Guide is supplemented by DOD component-specific manuals detailing DOD component regulations and policies. The Virgin Islands Supplement was developed to be used in conjunction with the TEAM Guide, using existing Virgin Islands environmental legislation and regulations as well as suggested management practices.

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## **FOREWORD**

This is USACERL Special Report 96/67. The report is based on the information available on the Lexis/Nexis website as of 26 January 2010, as well as the website of the US Virgin Islands Division of Environmental Protection, <http://www.dpnri.gov.vi/dep/home.htm>.

The research was performed for the U.S. Forest Service, Fish and Wildlife Service (FWS) MIPR W59XQG52014886, technical monitor is Miranda Brannon; DHS IAG HSHQDC-08-X-00456, technical monitor is Peter Wixted; DLA MIPRSP10010800630, technical monitor is Pam Hillis; DOE MIPR W81D4A42683832, technical monitor is Connie Lorenz; USPS MOA-05-CERL-01, technical monitor is Sharon Marsh; State Department IAG IA1091740014, technical monitor is Janice Smith; NASA MIPR NNH09AK571, technical monitor is Paul Robert; Navy N002509MP5023M, technical monitor is Cynthia Davis; and, VHA IAG VA-255-M-IAG-0116B, technical monitor is Jack Studt.

The research was performed by the Business Processes Branch (CN-B), Installations Division (CN), of the U.S. Army Construction Engineering Research Laboratory (CERL). The CERL Principal Investigators are Carolyn O'Rourke and Peter Heinricher. The CERL Researcher is Patricia Kemme. Ms. Michelle Hanson is Branch Chief, CN-B, and Mr. John Bandy is Division Chief, CN. Dr. Ilker Adiguzel is Director of CERL.

CERL is an element of the U.S. Army Engineer Research and Development Center (ERDC), U.S. Army Corps of Engineers. The Director of ERDC is Dr. James R. Houston, and the Commander is COL Gary Johnson.

## **NOTICE**

This manual is intended as general guidance for personnel at Department of Defense (DOD) installations/CW facilities. It is not, nor is it intended to be, a complete treatise on environmental laws and regulations. Neither the U.S. Government nor any agency thereof, nor any of their employees, makes any warranty, expressed or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information contained herein. For any specific questions about, or interpretations of, the legal references herein, consult appropriate legal counsel.

## **VIRGIN ISLANDS SUPPLEMENT**

The Virgin Islands Supplement to the U.S. TEAM Guide contains the requirements necessary for determining compliance with Territorial environmental rules and regulations. This manual is a supplement to the U.S. TEAM Guide; it does not replace it.

## ACRONYMS

|             |  |
|-------------|--|
| ACGIH       | American Conference of Governmental Industrial Hygienists                    |
| AQMA        | air quality management area  |
| ASTM        | American Society for Testing and Materials                                   |
| AWWA        | American Water Works Association   |
| BACT        | best available control technology  |
| BOD         | biochemical oxygen demand  |
| BTEX        | benzene, toluene, ethylbenzene, xylene                                       |
| CAR         | control area responsible party   |
| CAS         | Chemical Abstract Service  |
| CEM         | continuous emission monitoring   |
| CERCLA      | <i>Comprehensive Environmental Response, Compensation, and Liability Act</i> |
| CFC         | chlorofluorocarbons  |
| CWA         | <i>Clean Water Act</i>   |
| dB          | decibel  |
| dBA         | decibels using A-weighting network   |
| dbc         | decibels using C-weighting network   |
| DEQ         | Department of Environmental Quality  |
| ESA         | <i>Endangered Species Act</i>  |
| FIFRA       | <i>Federal Insecticide, Fungicide, and Rodenticide Act</i>                   |
| GVWR        | gross vehicle weight rating  |
| HEPA Filter | high efficiency particulate air filter                                       |
| HWM         | hazardous waste management   |
| IARC        | International Agency for Research on Cancer                                  |
| ICRU        | International Commission on Radiological Units and Measurements              |
| IUPAC       | International Union of Pure and Applied Chemistry                            |
| LAER        | lowest achievable emission rate  |
| Ldn         | day-night airport noise level  |
| Leq         | equivalent noise level   |
| LPG         | Liquefied Petroleum Gas  |
| MC          | medium curing  |
| MCL         | maximum contaminant level  |
| MFL         | million fibers per liter   |
| MSDS        | material safety data sheet   |
| MSW         | municipal-type solid waste   |
| MSWLF       | municipal solid waste landfill   |
| MWC         | municipal waste combustor  |
| NBS         | National Bureau of Standards   |
| NEPA        | <i>National Environmental Policy Act</i>                                     |
| NFPA        | National Fire Protection Association   |
| NHPA        | <i>National Historic Preservation Act</i>                                    |
| NPDES       | National Pollutant Discharge Elimination System                              |
| NTNCWS      | nontransient noncommunity water system                                       |
| OSHA        | Occupational Safety and Health Administration                                |
| PAH         | polycyclic aromatic hydrocarbons   |
| PCB         | polychlorinated biphenyl   |
| PEL         | permissible exposure limit   |
| POTW        | publicly owned treatment works   |
| PUC         | Public Utility Commission of Oregon  |
| RACT        | reasonably available control technology                                      |
| RC          | rapid curing   |
| RCRA        | <i>Resource Conservation and Recovery Act</i>                                |
| RDF         | refuse-derived fuel  |

## ACRONYMS

|       |   |
|-------|---|
| REL   | recommended exposure level                          |
| RGF   | recirculating gravel filter                         |
| RVP   | Reid vapor pressure                                 |
| SAE   | Society of Automotive Engineers                     |
| SARA  | <i>Superfund Amendments and Reauthorization Act</i> |
| SC    | slow curing   |
| SDWA  | <i>Safe Drinking Water Act</i>                      |
| SIC   | Standard Industrial Classification                  |
| SMCL  | secondary maximum contaminant level                 |
| SPCC  | spill prevention countermeasure and control         |
| SPL   | sound pressure level                                |
| SWDA  | <i>Solid Waste Disposal Act</i>                     |
| TLV   | threshold limit value                               |
| TNTC  | too numerous to count                               |
| TPH   | total petroleum hydrocarbons                        |
| TRI   | toxic release inventory                             |
| TSCA  | <i>Toxic Substance Control Act</i>                  |
| TSD   | treatment, storage, and disposal                    |
| TSDF  | treatment, storage, and disposal facility           |
| TSP   | total suspended particulate                         |
| TSS   | total suspended solids                              |
| TTHM  | total trihalomethane                                |
| UL    | Underwriters Laboratory                             |
| UFC   | Uniform Fire Code                                   |
| USEPA | United States Environmental Protection Agency       |
| UST   | underground storage tank                            |
| VOC   | volatile organic compound                           |
| VOL   | volatile organic liquid                             |
| WPCF  | Water Pollution Control Facilities                  |

## COMMONLY USED ABBREVIATIONS

|                 |                               |                 |                                 |
|-----------------|-------------------------------|-----------------|---------------------------------|
| bbl             | barrel                        | mg              | milligram                       |
| Btu             | British thermal unit          | mi              | mile                            |
| C               | Celsius                       | min             | minute                          |
| cfs             | cubic feet per second         | MJ              | megajoule                       |
| cm              | centimeter                    | mL              | milliliter                      |
| cm <sup>2</sup> | square centimeter             | mm              | millimeter                      |
| dscf            | dry standard cubic foot       | mo              | month                           |
| dscm            | dry standard cubic meter      | mrem            | millirem                        |
| F               | Fahrenheit                    | MW              | megawatt                        |
| ft              | foot                          | ng              | nanogram                        |
| ft <sup>2</sup> | square feet                   | NTU             | nephelometric turbidity unit    |
| ft <sup>3</sup> | cubic feet                    | oz              | ounce                           |
| g               | gram                          | pCi             | picoCurie                       |
| gal             | gallon                        | ppm             | part per million                |
| gJ              | gigajoule                     | ppmv            | part per million by volume      |
| gr              | grain                         | ppmw            | part per million by weight      |
| h               | hour                          | psi             | pound per square inch           |
| ha              | hectare                       | psia            | pounds per square inch absolute |
| hp              | horsepower                    | psig            | pounds per square inch gauge    |
| in.             | inch                          | qt              | quart                           |
| J               | Joule                         | s               | second                          |
| kg              | kilogram                      | scf             | standard cubic foot             |
| km              | kilometer                     | scm             | standard cubic meter            |
| kPa             | kilopascals                   | sdcf            | standard dry cubic foot         |
| L               | liter                         | sdcm            | standard dry cubic meter        |
| lb              | pound                         | TU              | turbidity unit                  |
| m               | meter                         | V               | volt                            |
| m <sup>3</sup>  | cubic meter                   | yd              | yard                            |
| MBtu            | million British thermal units | yd <sup>2</sup> | square yard                     |
| meq             | milligram equivalent          | yr              | year                            |
| CO              | carbon monoxide               | NO <sub>2</sub> | nitrogen dioxide                |
| CO <sub>2</sub> | carbon dioxide                | NO <sub>x</sub> | nitrogen oxides                 |
| Hg              | mercury                       | SO <sub>2</sub> | sulfur dioxide                  |

## METRIC CONVERSION TABLE

The following conversion table may be used throughout this manual to make approximate conversions between U.S. units and metric units.

|                   |   |                       |
|-------------------|---|-----------------------|
| 1 in.             | = | 2.54 cm or 25.4 mm    |
| 1 ft              | = | 0.3048 m              |
| 1 ft <sup>2</sup> | = | 0.093 m <sup>2</sup>  |
| 1 ft <sup>3</sup> | = | 0.028 m <sup>3</sup>  |
| 1 psi             | = | 6.895 kPa             |
| 1 lb              | = | 0.454 kg              |
| 1 mi              | = | 1.61 km               |
| 1 gal             | = | 3.78 L                |
| °F                | = | (°C + 17.78) x 1.8    |
| °C                | = | 0.55 (°F - 32)        |
| 1 yd              | = | 0.9144 m              |
| 1 Btu             | = | 4.184 kJ              |
| 1 acre            | = | 4046.9 m <sup>2</sup> |
| 1 acre            | = | 0.405 hectare         |



## Comment Form

Comments and questions regarding the Virgin Islands Supplement can be addressed to:

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Please include the following information with your comment:

User Name:

Affiliation (installation, command, etc.):

email:

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| Page # | Checklist item # | Line # | Comments |
|--------|------------------|--------|----------|
|        |                  |        |          |



# SECTION 1

## AIR EMISSIONS MANAGEMENT

### **Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Air Emissions Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

#### **Definitions**

- *Air Contaminant* - any dust, fumes, gas, mist, smoke, vapor, odor, or particulate matter, other than uncombined (not chemically bound to other molecular species) water, or any combination thereof (Code of Virgin Islands Rules, Title 12, Subchapter 204, Section 20 (CVIR 12-204-20)).
- *Air Pollution* - the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof, in sufficient quantities and of such characteristics and duration as is or likely to be injurious to public welfare, to the health of human, plant or animal life, or to property, or which unduly interferes with the enjoyment of life or property (CVIR 12-204-20).
- *Area Source* - any stationary source that is not a major source (CVIR 12-204-20).
- *Chemical Waste* - liquid or semi-liquid waste other than waste oil, including but not limited to spent solvents, tars, paints and resins, and wastes and sludges from any process (CVIR 12-204-20).
- *Commence* - whereby an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete within a reasonable time a continuous program of construction or modification (CVIR 12-204-20).
- *Commissioner* - the Commissioner of the Virgin Islands Department of Planning and Natural Resources or his designated representative (CVIR 12-204-20).
- *Department* - the Virgin Islands Department of Planning and Natural Resources (CVIR 12-204-20).
- *Director* - the Director of the Division of Environmental Protection, Department of Planning and Natural Resources (CVIR 12-204-20).
- *Distillate Fuel* - a fuel oil consisting of distilled fractions and having a kinematic viscosity of 5.8 centistoke or less at one hundred degrees Fahrenheit. This includes ASTM grade numbers 1-D and 2-D diesel fuel oil and proposed ASTM grades numbers 1-GT and 2-GT gas turbine fuel oil (CVIR 12-204-20).
- *Emergency* - any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that requires immediate corrective action to restore normal operation and that causes a source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative or required maintenance, careless or improper operation, or operator error (CVIR 12-204-20).
- *Final Permit* - the version of a permit issued by the Commissioner that has undergone all review procedures required by section 206 (CVIR 12-204-20).
- *Fugitive Dust* - solid airborne particulate matter emitted at or near ground level from any source other than a stack, flue or duct (CVIR 12-204-20).

- *Fugitive Emissions* - those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening (CVIR 12-204-20).
- *Fuel-Burning Facility* - equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling, raising steam, or super-heating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through process vessel walls; and furnishing process heat indirectly through its transfer by fluids (CVIR 12-204-20).
- *Fuel Oil* - any virgin distillate oil, virgin residual oil, re-refined oil or a blend of these (CVIR 12-204-20).
- *Gaseous Fuel* - a fuel that is in the gaseous state at standard conditions of temperature and pressure and that does not contain chemical waste (CVIR 12-204-20).
- *General Permit* - a permit that meets the requirements of section 206-72(a) (CVIR 12-204-20).
- *Incinerator* - all devices intended or used for destruction of refuse or other combustible matter by burning (CVIR 12-204-20).
- *Insignificant* – in reference to a net emissions decrease, or the potential of a source to emit any of the following pollutants, at a rate of emissions that shall not exceed or equal any of the following rates (CVIR 12-204-20):

| <b>Threshold for De Minimis Emissions of Hazardous Air Pollutants- (HAP)</b> |   |
|--|---|
| <b>Air Contaminants</b>  | <b>Annual emissions<br/>(pounds per year)</b> |
| Total dioxin and furans  | 0.0001  |
| Benzidine  | 0.06  |
| Bis (chloromethyl) ether   | 0.06  |
| n- Nitrosodimethylamine  | 0.2   |
| Hexavalent chromium compounds  | 0.4   |
| Hydrazine  | 0.8   |
| Arsenic and arsenic compounds  | 1.0   |
| 2-Nitropropane   | 1.0   |
| Any other HAP  | 400.0   |
| Threshold for De Minimis Emissions of Other Air Contaminants                 |   |
| VOC  | 0.05  |
| TSP  | 0.05  |
| PM-10  | 0.05  |
| NOx  | 0.05  |
| CO   | 0.05  |
| SO2  | 0.05  |
| Any other air contaminant <sup>1</sup>                                       | 0.05  |

<sup>1</sup> This air contaminant category shall apply to any other air contaminant that the facility has the potential to emit in a quantity greater than or equal to one hundred (100) tons per year.

- *Liquid Fuel* - a fuel, other than fuel oil, that is in the liquid state at standard conditions of temperature and pressure and that does not contain chemical waste (CVIR 12-204-20).
- *Marine Vessel* - any boat or ship (CVIR 12-204-20).

- *Motor Vehicle* - a vehicle that can travel on land and which is propelled by means other than human or animal muscular power (CVIR 12-204-20).
- *Open Burning* - any manner of burning or causing rapid oxidation that results in products being discharged into the open air without passing through a properly designed stack, duct, chimney, flue or other control process (CVIR 12-204-20).
- *Particulate Matter* - any airborne material except uncombined water which is often, but not always, suspended in air or other gases at atmospheric temperature and pressure (CVIR 12-204-20).
- *Permitting Authority* - the Division of Environmental Protection, Department of Planning and Natural Resources (CVIR 12-204-20).
- *Person* - an individual, corporation, partnership, association, and any officer or governing or managing body of such entity; and further includes the Government of the Virgin Islands, and any board, commission, authority or instrumentality thereof (CVIR 12-204-20).
- *Process Equipment* - any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment in this division (CVIR 12-204-20).
- *Refuse* - all waste material, including but not limited to garbage, rubbish, incinerator residue, street cleaning, dead animals and offal. Refuse is classified as follows (CVIR 12-204-20):
  - a. Type 0: Rubbish consisting of highly combustible material such as paper, wood, and cardboard including up to 10 percent treated papers, rags, plastic or rubber from commercial and industrial sources
  - b. Type 1: Some garbage but primarily rubbish consisting of combustible material such as paper, cardboard, wood, combustible floor sweepings from residential, commercial, and industrial sources
  - c. Type 2: Rubbish and garbage from residential sources
  - d. Type 3: Some rubbish, but primarily garbage consisting of animal and vegetable matter from restaurants, hotels, markets, institutional and commercial sources
  - e. Type 4: Human and animal solid refuse consisting of carcasses and organs from hospitals, laboratories, abattoirs, animal pounds, and similar sources
  - f. Type 5: Gaseous, liquid or semi-liquid refuse from processes such as tar, paints, solvents, and chemical sludge
  - g. Type 6: Solid or semi-solid refuse from processes such as rubber, plastics, wood, and sewage sludge
- *Regulated Air Pollutants* - (CVIR 12-204-20):
  - (1) Nitrogen oxides or any volatile organic compounds;
  - (2) Any pollutant for which a national ambient air quality standard has been promulgated;
  - (3) Any pollutant that is subject to any standard promulgated under section 111 of the Act;
  - (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
  - (5) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the Act, including sections 112(g), (j), and (r) of the Act, including the following:
    - (a) Any pollutant subject to requirements under section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established pursuant to section 112(e) of the Act; and
    - (b) Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to the section 112(g) (2) requirement.
- *Reprocessed Oil* - a used oil from which physical and/or chemical contaminants have been removed so that such oil is suitable for productive use (CVIR 12-204-20).
- *Renewal* - the process by which a permit is reissued at the end of its term (CVIR 12-204-20).

- *Re-refined Oil* - any used oil from which physical and/or chemical contaminants have been removed so that it is substantially equivalent to virgin distillate or virgin residual oil (CVIR 12-204-20).
- *Residual Fuel* - a fuel oil which meets the latest American Society for Testing and Materials (ASTM) specifications number D396 for residual fuel oils (either #4, #5, or #6) (CVIR 12-204-20).
- *Ringelmann Scale* - the scale of comparative smoke densities published in the United States Bureau of Mines Circular No. 8333 (CVIR 12-204-20).
- *Smoke* - small gas-borne particles resulting from incomplete combustion, of carbonaceous material, in sufficient number to be observable (CVIR 12-204-20).
- *Solid Fuel* - solid material or any substance derived from solid material used or to be used for the purpose of creating useful heat and includes but is not limited to coal, gasified coal, liquefied coal, solid solvent, refined coal, municipal solid waste refuse derived fuel, and wood (CVIR 12-204-20).
- *Source* - any building, structure, facility, apparatus, or installation, or their combination, that emits or may emit any air contaminant (CVIR 12-204-20).
- *Stack* – any stack chimney, flue, conduit, or opening arranged for the emission of solids, liquids, gases or aerosols into the outdoor atmosphere (CVIR 12-204-20).
- *Standard Conditions* - a gas temperature of sixty eight degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute (CVIR 12-204-20).
- *Stationary source* - any building, structure, facility, contrivance, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act (CVIR 12-204-20).
- *Territory* - the Virgin Islands of the United States (CVIR 12-204-20).
- *VIDPNR* - the Virgin Islands Department of Planning and Natural Resources (CVIR 12-204-20).
- *Virgin Islands Air Pollution Control Act* - refers to Title 12, Chapter 9 of the Virgin Islands Code (CVIR 12-204-20).
- *Waste Fuel* - either of the following to be burned singly, together, or in combination with fuel oil (CVIR 12-204-20):
  1. Waste Fuel A: Any waste oil, fuel oil, or mixture of these to be burned which contains between 25 and 250 parts per million (by weight) lead and which meets the limitations of Table 1 and does not contain chemical waste;
  2. Waste Fuel B. Any waste oil, fuel oil, or mixture of these to be burned which does not meet the limitations of Table 1 and/or contains any chemical waste.

TABLE 1  
WASTE FUEL CONTAMINANT LIMITATIONS

| <b>Constituent/Property</b>     | <b>Allowable Limit</b>        |
|---------------------------------|-------------------------------|
| Polychlorinated Biphenyls (PCB) | Less than 50 ppm <sup>1</sup> |
| Total Halogens                  | 1000 ppm <sup>1</sup> maximum |
| Sulfur                          | See AE.55.1.VI.               |

|                    |                              |
|--------------------|------------------------------|
| Lead               | 250 ppm <sup>1</sup> maximum |
| Gross Heat Content | 125,000 BTU/gal minimum      |

<sup>1</sup> Parts per million (ppm) by weight (water free basis) of fuel.

- *Waste Oil* - used and/or reprocessed engine lubricating oil and/or any other used oil, including but not limited to, fuel oil, engine oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil and vegetable oil, which has not subsequently been re-refined.

**AIR EMISSIONS MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                                     |                               |
|-------------------------------------|-------------------------------|
| Missing Checklist Items             | AE.2.1.VI.                    |
| State-Specific Requirements         |                               |
| General                             | AE.5.1.VI. and AE.5.2.VI.     |
| Permits/Notifications/Exemptions    | AE.6.1.VI. and AE.6.2.VI.     |
| Management/Administrative           | AE.7.1.VI. through AE.7.3.VI. |
| Emissions Limits                    | AE.9.1.VI. through AE.9.4.VI. |
| Fuel-Burning Equipment              | AE.15.1.VI. and AE.15.2.VI.   |
| Miscellaneous Incinerators          | AE.25.1.VI. and AE.25.2.VI.   |
| Gasoline/Fuels                      | AE.55.1.VI.                   |
| Fugitive Emissions                  | AE.65.1.VI.                   |
| Open Burning                        | AE.130.1.VI.                  |
| Vehicle Emissions                   | AE.135.1.VI.                  |
| Asphalt Paving Materials/Operations | AE.145.1.VI.                  |

**AIR EMISSIONS MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS APPENDIX USERS**

**REFER TO APPENDIX NUMBERS:                    REFER TO APPENDIX TITLES:**

|     |  |
|-----|--|
| 1-1 | Particulate Matter Emissions Limits for Fuel Burning Sources |
| 1-2 | Particulate Matter Emissions Limits for Industrial Processes |
| 1-3 | List Of Applicable Substances For Emergency Response Plan    |

**COMPLIANCE CATEGORY:**  
**AIR EMISSIONS MANAGEMENT**  
**Virgin Islands Supplement**

| REGULATORY REQUIREMENTS:   | REVIEWER CHECKS:<br>January 2010  |
|--|---|
| <p><b>AE.2.</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>AE.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**AIR EMISSIONS MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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| <p><b>STATE-SPECIFIC<br/>REQUIREMENTS</b></p> <p><b>AE.5.<br/>General</b></p> <p><b>AE.5.1.VI.</b> Air pollution nuisances are prohibited (CVIR 12-204-27).</p> <p><b>AE.5.2.VI.</b> Circumvention of air pollution control requirements is prohibited (CVIR 12-204-30).</p> | <p>Verify that there is no discharge from any source whatsoever quantities of air contaminants or other material which cause injury, detriment, nuisance, annoyance to persons or to the public, or which endanger the comfort, repose, health, or safety of any persons or the public, or which cause or have tendency to cause injury or damage to business or property.</p> <p>Verify that there is no installation or use of any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere.</p> <p>(NOTE: Increase in stack height or construction so as to increase stack exit velocity of gases does not constitute a violation of this section.)</p> |

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| <b>STATE-SPECIFIC<br/>REQUIREMENTS</b> <p><b>AE.6.</b><br/><b>Permits/ Notifications/<br/>Exemptions</b></p> <p><b>AE.6.1.VI.</b> A written authority to construct must be obtained prior to construction of any air contaminant source or air contaminant control equipment (CVIR 12-206-20(a) and (b), and 12-206-31(f)).</p> <p><b>AE.6.2.VI.</b> A permit to operate must be obtained prior to the operation of any air contaminant source or air contaminant control equipment (CVIR 12-206-20(c) through (e)).</p> | <p>Verify that a written authority to construct is obtained prior to the building, erecting, altering or replacing of any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or may eliminate or reduce or control the issuance of air contaminants.</p> <p>(NOTE: This authorization is also required for initial construction of any emission source required to apply for a part 70 permit.)</p> <p>(NOTE: An authorization to construct is not required for the following permitted sources of air contaminants:</p> <ul style="list-style-type: none"> <li>- any source which has a part 70 permit that has been issued and which has applied for a permit amendment in the event of a major modification</li> <li>- any source which has a part 70 permit that has been issued and which is not required to apply for a permit amendment for the building, erecting, altering, or replacing contemplated.)</li> </ul> <p>(NOTE: An approval to construct or modify is not required for:</p> <ul style="list-style-type: none"> <li>- the installation or alteration of an air pollution detector, air pollutants recorder, combustion controller, or combustion shut-off</li> <li>- air conditioning or ventilating systems not designated [sic] to remove air pollutants generated by or released from equipment</li> <li>- fuel burning equipment, other than smokehouse generators, which use gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than three hundred fifty thousand (350,000) Btu/hr (88.2 million gm-cal/hr)</li> <li>- mobile internal combustion engines</li> <li>- laboratory equipment used exclusively for chemical or physical analyses</li> <li>- other sources of minor significance specified by the Commissioner.)</li> </ul> <p>Verify that a written permit to operate has been obtained before any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or may eliminate or reduce or control the issuance of air contaminants, is operated.</p> <p>(NOTE: A part 70 source is not required to obtain a permit under this section, provided that the owner or operator has dutifully executed the requirements for application of a part 70 permit.)</p> <p>Verify that the permit is firmly affixed upon the article, machine, equipment, or</p> |

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|                                     | <p>other contrivance in such a manner as to be clearly visible and accessible.</p> <p>(NOTE: In the event the article, machine, equipment, or contrivance is so constructed or operated that the permit to operate cannot be so placed, then the permit should be maintained readily available at all times on the operating premises.)</p> <p>Verify that permits are not willfully defaced, altered, forged, counterfeited, or falsified.</p> |

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| <b>STATE-SPECIFIC<br/>REQUIREMENTS</b> <p><b>AE.7.</b><br/><b>Management/<br/>Administrative</b></p> <p><b>AE.7.1.VI.</b> Certain sources must have abatement strategies plans for air contaminant emission reduction (CVIR 12-204-31).</p> <p><b>AE.7.2.VI.</b> Sources must notify the Commissioner of pollution control equipment shutdowns and maintenance (CVIR 12-204-29).</p> <p><b>AE.7.3.VI.</b> Specific sources</p> | <p>Verify that any person responsible for any discontinued or dismantled fuel burning, combustion or process equipment or device that requires a permit reports to the Department within 30 days of its permanent discontinuance or dismantlement.</p> <p>Verify that sources notify the Commissioner within 4 hrs of the time that any source, air pollution control equipment or related equipment breaks down, malfunctions, ruptures, leaks, or is rendered partially or totally inoperative such that releases of an air contaminant are in excess of allowable emission limits.</p> <p>Verify that sources provide all pertinent available facts, including the estimated duration of the incident.</p> <p>Verify that the Commissioner is notified in writing not later than one week after the incident, with the report including:</p> <ul style="list-style-type: none"> <li>- specific data concerning the affected source, air pollution control equipment and other related equipment</li> <li>- date, hour and duration of the incident</li> <li>- corrective measures taken or to be taken.</li> </ul> <p>Verify that, if the malfunction causes the emission of contaminants into the ambient air in quantities that pose an imminent danger to the public, the affected installation or facility immediately ceases operations or acts as specified in its approved emergency response plan.</p> <p>Verify that no later than 15 days after correction of a malfunction incident, the owner or operator submits a written report to the Commissioner including:</p> <ul style="list-style-type: none"> <li>- a certification that the malfunction has been corrected, specifying the date of corrective action and effective date of compliance</li> <li>- a description of the corrective measures undertaken to avoid such a malfunction in the future</li> <li>- an estimate of the total emissions caused by the malfunction</li> <li>- identification of the air contaminants emitted</li> <li>- actual or estimated emission rates of the contaminants.</li> </ul> <p>Verify that sources which may release, leak or emit any substance listed in</p> |

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| must prepare emergency response plans (CVIR 12-204-33(b)(3) and (c)).                              | <p>Appendix 1-3, into the atmosphere in quantities of sufficient magnitude to present a hazard to the public, prepare and submit to the Commissioner together with the application for a permit to construct, or permit to operate, an emergency response plan.</p> <p>(NOTE: In the case of a renewal of a permit to operate, an emergency response plan will be required only if the Commissioner has not already approved an existing plan, or if there is a change in the process or operation that would give rise to a new potential source of emissions, releases or leaks of sufficient magnitude to present a hazard to human health.)</p> <p>Verify that every emergency response plan includes:</p> <ul style="list-style-type: none"> <li>- name and location of the source or facility</li> <li>- name, title and telephone number of the owner or operator of the source or facility</li> <li>- a list of sources which may cause accidental emissions, releases or leaks of sufficient magnitude to present a hazard to the public</li> <li>- type and amount of substance which may be emitted, released or leaked</li> <li>- details of any prevention measure or countermeasures available or proposed to avoid accidental or unexpected emissions, releases or leaks of any substance listed in Appendix 1-3</li> <li>- in case of proposed prevention/counter measures, the schedule for construction, installation or availability of such measures</li> <li>- internal administrative procedures which are or will be instituted to: <ul style="list-style-type: none"> <li>- inspect potential sources of emission, releases or leaks</li> <li>- alert and notify, including identification of notification roster, response team members and responsibilities</li> </ul> </li> <li>- identification of equipment/instruments which are or will be available to detect emissions, releases, or leaks</li> <li>- human evacuation procedures and plan in case of an emergency</li> <li>- identification of methods to dispose of materials which may become contaminated when used in the control of emissions, releases or leaks of any substance during emergencies or prevention measures</li> <li>- identification of methods or procedures to mitigate persisting impacts to the environment, after the health and welfare of humans has been safe-guarded</li> <li>- description of the response team members and other involved personnel knowledgeable and trained in emergency response duties.</li> </ul> <p>Verify that the emergency response plan is accessible to all those concerned with its execution.</p> |

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| <b>STATE-SPECIFIC<br/>REQUIREMENTS</b> <p><b>AE.9.</b><br/><b>Emissions Limits</b></p> <p><b>AE.9.1.VI.</b> Opacity emission limits must not be exceeded (CVIR 12-204-22 and 12-204-28(b)).</p> | <p>Verify that there are no discharges into the atmosphere, from any stationary source, any air contaminant(s) with opacity equal to or greater than 20 percent for any time period.</p> <p>(NOTE: Fuel-burning facilities may discharge into the atmosphere contaminant(s) with opacity equal to or less than 40 percent for a period or periods aggregating not more than 3 min in any 30 min.)</p> <p>Verify that there is no discharge into the atmosphere any air contaminant(s) with opacity equal to or greater than 20 percent from any moored or docked vessel at any time except from fuel-burning facilities.</p> <p>(NOTE: Emissions from fuel-burning facilities on moored vessels may discharge contaminant(s) with opacity less than or equal to 40 percent.)</p> <p>Verify that, except during startup, no internal combustion engines emit any air contaminant that causes an opacity of more than 20 percent.</p> <p>Verify that during startup, the opacity of emissions from internal combustion engines do not exceed 40 percent for 3 min.</p> |
| <p><b>AE.9.2.VI.</b> Particulate emissions from industrial process equipment must not exceed specific emissions limitations (CVIR 12-204-23(d)).</p>  | <p>Verify that emissions of particulate matter from any source whatever, except fuel-burning equipment, refuse-burning equipment and equipment or processes otherwise noted, do not exceed limits determined in Appendix 1-2.</p> <p>(NOTE: To use the table, find the process weight per hour in the table, and note the allowable rate of emissions in pounds per hour next to the process weight per hour.)</p> <p>(NOTE: If two or more process units connect to a single stack or chimney, each unit will for the purpose of computing the maximum allowable emission rate be considered a separate entity with the allowable emission rate for the stack or chimney the sum of the individual computations.)</p>   |
| <p><b>AE.9.3.VI.</b> Emissions of SO<sub>2</sub> must not exceed specific limits (CVIR 12-204-26(a)(1)).</p>  | <p>Verify that there are no emissions of SO<sub>x</sub> which results in ground level concentrations of SO<sub>x</sub> at any given point in excess of 0.5 ppm (volume) in any 3-hr period, or average exposure in excess of 0.14 ppm (volume) of SO<sub>x</sub> in any 24-hr period.</p>  |

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| <p><b>AE.9.4.VI.</b> Hydrogen sulfide emissions must not exceed specific emissions limitations (CVIR 12-204-26(b)).</p> | <p>(NOTE: These limitations do not apply to ground level concentrations occurring on the property from which such emission occurs, provided such property, from the emission point to the point of any such concentration, is controlled by the person responsible for such emission.)</p> <p>Verify that there are no emissions of hydrogen sulfide in concentrations that exceed 0.03 parts per million by volume for any averaging period of 30 or more minutes on more than two occasions in any five days.</p> |

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| <p><b>AE.15.</b></p> <p><b>FUEL BURNING EQUIPMENT</b></p> <p><b>AE.15.1.VI.</b> Particulate emissions from fuel-burning equipment must not exceed specific emissions limitations (CVIR 12-204-23(b)).</p> <p><b>AE.15.2.VI.</b> The burning of waste fuel in stationary combustion installations, incinerators, or processes, is restricted (CVIR 12-204-36 and 12-204-38).</p> | <p>Verify that there are no emissions into the outdoor atmosphere from any solid fuel-burning equipment or premises, particulate matter in excess of the quantity set forth in Table 1 of Appendix 1-1.</p> <p>Verify that there are no emissions into the outdoor atmosphere from any fuel-burning equipment or premises using oil, coal tar, any liquid fuel derived from coal, particulate matter in excess of quantities set forth Table 2 of Appendix 1-1.</p> <p>(NOTE: If two or more units connect to a single stack or chimney, each unit will, for the purpose of computing the maximum allowable emission rate, be considered a separate entity with the allowable emission rate for the stack or chimney the sum of the individual computations.)</p> <p>(NOTE: Notwithstanding the above, facilities that commenced construction prior to 1 August 1986 may emit particulate matter from any fuel-burning equipment using oil, coal tar, any liquid fuel derived from coal, or coal in quantities less than or equal to the quantity set forth in the following formula:</p> $E = 1.0/p^{0.22}$ <p>where E = the allowable emission rate in 1 lb/MBtu, and p = the total heat input in million Btu/hr.)</p> <p>Verify that no person burns Waste Fuel A (see definitions) in any stationary combustion installation, incinerator, or process without a permit, unless specifically exempted by the Commissioner.</p> <p>Verify that no person initiates construction of a new emission source, or modification, or operation of an air contamination source in which waste fuel is burned until all necessary permits to construct and/or operate have been issued (see section AE.6.VI.).</p> <p>(NOTE: Mobile emission sources where the waste oil is generated in the same emission source may burn waste oil and be exempted from the permitting requirement.)</p> |

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| <p><b>AE.25.</b></p> <p><b>MISCELLANEOUS INCINERATORS</b></p> <p><b>AE.25.1.VI.</b> Particulate emissions from incinerators must not exceed specific limits (CVIR 12-204-23(c)(1)).</p> <p><b>AE.25.2.VI.</b> Refuse-burning incinerators must meet specific design requirements (CVIR 12-204-23(c)(2)).</p> | <p>Verify that there are no emissions of particulate matter from the stack or chimney of any existing incinerator in excess of the following:</p> <ul style="list-style-type: none"> <li>- incinerators with a maximum refuse burning capacity of 200 or more lb/hr: 0.02 gr/sdcf of exhaust gas</li> <li>- all other incinerators: 0.03 gr/sdcf of exhaust gas.</li> </ul> <p>Verify that no incinerator is used for the burning of refuse unless such incinerator is a multiple chamber incinerator.</p> <p>Verify that existing incinerators which are not multiple chamber incinerators, are altered, modified, or rebuilt as may be necessary only after plans and specifications have been approved by the Commissioner or his designated representative.</p> |

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| <p><b>AE.55.</b></p> <p><b>GASOLINE/FUELS</b></p> <p><b>AE.55.1.VI.</b> Fuels sold for use in stationary air contaminant sources must meet specific sulfur content limits (CVIR 12-204-26(a)(2) and (4)).</p> | <p>Verify that no fuel oil with a sulfur content in excess of the limits described below is used in any stationary air contamination source having a total combined rated heat input capacity greater than 8,000,000 Btu/hr:</p> <ul style="list-style-type: none"> <li>- in St. Croix: <ul style="list-style-type: none"> <li>- distillate oil: 0.3 percent by weight</li> <li>- residual oil: 0.5 percent by weight</li> </ul> </li> <li>- in St. Thomas: <ul style="list-style-type: none"> <li>- distillate oil: 0.3 percent by weight</li> <li>- residual oil: 0.5 percent by weight</li> </ul> </li> <li>- in St. John: <ul style="list-style-type: none"> <li>- distillate oil: 0.3 percent by weight</li> <li>- residual oil: 0.5 percent by weight.</li> </ul> </li> </ul> <p>Verify that no person who burned other than residual oil for combustion purposes prior to 1 January 1974, uses residual fuel oil:</p> <ul style="list-style-type: none"> <li>- if such use increases the amount of sulfur oxides emitted from the source to the outdoor atmosphere and</li> <li>- if the person has not obtained the written approval of the Commissioner.</li> </ul> <p>Verify that no person sells, offers for sale, purchases for use or uses in any contaminant source solid fuel with more than 0.60 pounds of sulfur per million Btu gross heat content.</p> |

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| <p><b>AE.65.</b></p> <p><b>FUGITIVE EMISSIONS</b></p> <p><b>AE.65.1.VI.</b> Precautions must be taken to prevent fugitive emissions (CVIR 12-204-25).</p> | <p>Verify that no materials are handled, transported, or stored in a building, or roads used, constructed, altered, repaired, or demolished, without the following precautions taken to prevent particulate matter from becoming airborne:</p> <ul style="list-style-type: none"> <li>- the use, where possible, of water or suitable chemicals for the control of dust in the demolition of existing buildings or structures, construction operations, quarrying operations, the grading of roads, or the clearing of land</li> <li>- the application of asphalt, water, or suitable chemicals on dirt roads or roads under construction, materials, stockpiles, and other surfaces that can give rise to airborne dust</li> <li>- the installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials</li> <li>- adequate abatement methods during sandblasting or other similar operations</li> <li>- the covering, at all times when in motion, of open bodied trucks transporting materials likely to give rise to airborne dust</li> <li>- the conduct of agricultural practices, such as the filling of land and the application of fertilizers, in such manner as to prevent dust from becoming airborne</li> <li>- the paving of roadways and their maintenance in a clean condition</li> <li>- the prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth-moving equipment, by erosion by water, or by other means</li> <li>- the planting of shrubs or trees as a natural barrier, or the installation of metal sheet fences as artificial barriers</li> <li>- the seeding or planting of grass on exposed terrains.</li> </ul> <p>Verify that there is no discharge of visible emissions of fugitive dust beyond the boundary line of the property on which the emissions originate.</p> <p>Verify that every area, lot, or part of a piece of land intended for parking with a capacity for accommodating more than 40 vehicles at the same time is paved with concrete, asphalt, or equivalent hard surface on all its roads and parking areas.</p> <p>Verify that any source, the construction of which causes emissions of fugitive dust, applies for a permit (see section AE.6.VI.).</p> |

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| <p><b>AE.130.</b></p> <p><b>OPEN BURNING</b></p> <p><b>AE.130.1.VI.</b> Open burning is prohibited except under specific circumstances (CVIR 12-204-21).</p> | <p>Verify that there is no open burning except:</p> <ul style="list-style-type: none"> <li>- when in the judgment of the Commissioner or his authorized representative, no other method for the disposal of the material exists or can reasonably be obtained</li> <li>- where the fire is for recreational, educational, ceremonial or cooking purposes, including barbecues, provided no smoke violation or other nuisance is created</li> <li>- when authorized by the Commissioner or his designated representative, for the following purposes:           <ul style="list-style-type: none"> <li>- elimination of fire hazards</li> <li>- conservation practices</li> <li>- disease control</li> <li>- game management</li> <li>- training and instruction of bona fide fire-fighting and fire-rescue personnel</li> <li>- civil defense needs, land clearance for private home construction in rural areas and special circumstances.</li> </ul> </li> </ul> <p>Verify that all open burning is conducted between the hours of 7:00 a.m. and 5:00 p.m.</p> <p>Verify that all persons conducting open burning have a valid fire permit available for inspection by lawful authorities.</p> |

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| <b>AE.135.</b><br><br><b>VEHICLE EMISSIONS</b><br><br><b>AE.135.1.VI.</b> Vehicle emissions must not exceed specific opacity limits (CVIR 12-204-28(a)). | Verify that there are no motor vehicles with internal combustion engines that, while idling or moving, emit any air contaminant that causes an opacity of 20 percent or more measured for a period of time equal to 1 min. |

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| <p><b>AE.145.</b></p> <p><b>ASPHALT PAVING MATERIALS/ OPERATIONS</b></p> <p><b>AE.145.1.VI.</b> Particulate emissions from hot-mix asphalt plants must meet specific limits (CVIR 12-204-23(a)).</p> | <p>Verify that there are no particulate matter emissions from a hot-mix asphalt plant into the atmosphere in excess of the quantity in Table I of Appendix 1-3.<br/>         (NOTE: Where the plant has more than one stack, the emission total is that from all stacks.)</p> <p>Verify that no plant operates without a fugitive dust control system and the system operates and is maintained so that particulate emission is limited to the stack outlet.</p> <p>Verify that the plant maintains dust control of the plant premises and plant owned, leased, or controlled access roads by paving, oil treatment, or other suitable measures.</p> <p>Verify that good operating practices [not defined] are observed in relation to stockpiling, screen changing, and general maintenance to prevent dust generation and atmospheric entrainment.</p> <p>Verify that good operating practices, including water spraying or other suitable measures, are employed to minimize dust generation and an atmospheric entrainment when hot bins are pulled.</p> |

## Appendix 1-1

### Particulate Matter Emissions Limits for Fuel Burning Sources

(Source: CVIR 12-204-23(b))

Table 1: Maximum Allowable Particulate Emissions From Solid Fuel-Burning Equipment As A Function Of Heat Input

| Heat input,<br>millions of British thermal units per<br>hour | Maximum allowable<br>emission of particulate<br>matter in lb/hr<br>per million British<br>thermal units of heat<br>input |
|--|--|
| 10 or less   | 0.60   |
| 100  | 0.36   |
| 1,000  | 0.22   |
| 10,000   | 0.13   |

The formula,  $E = 1.0/p^{0.22}$ , must be used to interpolate allowable particulate matter emissions for cases in which the British thermal unit (Btu) values for a source fall between those that are listed in the table. As used in this formula, E = allowable emission rate in one pound per million Btu and p = total heat input in million Btu/hour.

Table 2: Maximum Allowable Particulate Emissions From Liquid Fuel-Burning Equipment As A Function Of Heat Input

| Heat input,<br>millions of British thermal units per<br>hour | Maximum allowable<br>emission of particulate<br>matter in lb/hr<br>per million British<br>thermal units of heat<br>input |
|--|--|
| 50 or less   | 0.30   |
| 50 up to 250   | 0.20   |
| 250 up to 10,000   | 0.10   |
| 10,000 or more   | 0.09   |

## Appendix 1-2

### **Particulate Matter Emissions Limits for Industrial Processes**

(Source: CVIR 12-204-32)

**Table I**

| <b>Aggregate Process Rate<br/>Pounds Per Hour</b> | <b>Stack Emission Rate<br/>Pounds Per Hour</b> |
|---|--|
| 10,000  | 10   |
| 20,000  | 16   |
| 30,000  | 22   |
| 40,000  | 28   |
| 50,000  | 31   |
| 100,000   | 33   |
| 200,000   | 37   |
| 300,000   | 40   |
| 400,000   | 43   |
| 500,000   | 47   |
| 600,000   | 50   |

**Table II: Allowable Rate Of Emission Based On Process Weight Rate**

| <b>Process Weight Rate</b> |                   | <b>Rate of Emission</b> | <b>Process Weight Rate</b> |                   | <b>Rate of Emission</b> |
|----------------------------|-------------------|-------------------------|----------------------------|-------------------|-------------------------|
| <b>(Lb/Hr.)</b>            | <b>(Tons/Hr.)</b> | <b>(Lb/Hr.)</b>         | <b>(Lb/Hr.)</b>            | <b>(Tons/Hr.)</b> | <b>(Lb/Hr.)</b>         |
| 100                        | 0.05              | 0.551                   | 16,000                     | 8.00              | 16.5                    |
| 200                        | 0.10              | 0.877                   | 18,000                     | 9.00              | 17.9                    |
| 400                        | 0.20              | 1.40                    | 20,000                     | 10.               | 19.2                    |
| 600                        | 0.30              | 1.83                    | 30,000                     | 15.               | 25.2                    |
| 800                        | 0.40              | 2.22                    | 40,000                     | 20.               | 30.5                    |
| 1,000                      | 0.50              | 2.58                    | 50,000                     | 25.               | 35.4                    |
| 1,500                      | 0.75              | 3.38                    | 60,000                     | 30.               | 40.0                    |
| 2,000                      | 1.00              | 4.10                    | 70,000                     | 35.               | 41.3                    |
| 2,500                      | 1.25              | 4.76                    | 80,000                     | 40.               | 42.5                    |
| 3,000                      | 1.50              | 5.38                    | 90,000                     | 45.               | 43.6                    |
| 3,500                      | 1.75              | 5.96                    | 100,000                    | 50.               | 44.6                    |
| 4,000                      | 2.00              | 6.52                    | 120,000                    | 60.               | 46.3                    |
| 5,000                      | 2.50              | 7.58                    | 140,000                    | 70.               | 47.8                    |
| 6,000                      | 3.00              | 8.56                    | 160,000                    | 80.               | 49.0                    |
| 7,000                      | 3.50              | 9.49                    | 200,000                    | 100.              | 51.2                    |
| 8,000                      | 4.00              | 10.4                    | 1,000,000                  | 500.              | 69.0                    |
| 9,000                      | 4.50              | 11.2                    | 2,000,000                  | 1,000.            | 77.6                    |
| 10,000                     | 5.00              | 12.0                    | 6,000,000                  | 3,000.            | 92.7                    |
| 12,000                     | 6.00              | 13.6                    |                            |                   |                         |

For those processes whose weight exceeds 200 tons/hr, maximum allowable emission may exceed that shown in Table II, provided that the concentration of particulate matter in the discharge gases to the atmosphere is less than 0.10 pounds per 1,000 pounds of gases.

### **Appendix 1-3**

#### **List Of Applicable Substances For Emergency Response Plan**

(Source: CVIR 12-204-33, Table A)

|                      |                           |
|----------------------|---------------------------|
| Acrolein             | Maleic anhydride          |
| Acrylonitrile        | Malic hydride             |
| Allyl chloride       | Mercury                   |
| Arsenic              | Methylene chloride        |
| Asbestos             | (dichloromethane)         |
| Benzene              | Methyl chloroform         |
| Benzyl chloride      | Nickel                    |
| Beryllium            | Nitrobenzene              |
| Cadmium              | Nitrosamorpholine         |
| Carbon tetrachloride | Polychlorinated biphenyls |
| Chlorobenzene        | Perchloroethylene         |
| Chloroform           | (tetrachloroethylene)     |
| Chromium             | Phenol                    |
| O-cresol             | Phosgene                  |
| M-cresol             | Propylene oxide           |
| P-cresol             | Radionuclides             |
| O-dichlorobenzene    | Toluene                   |
| M-dichlorobenzene    | Trichloroethylene         |
| P-dichlorobenzene    | Vinyl chloride            |
| Dimethyl nitrosamine | O-xylene                  |
| Dioxin               | M-xylene                  |
| Epichlorohydrin      | P-xylene                  |
| Ethylene dichloride  | Formaldehyde              |
| Ethylene oxide       | Hexachlorocyclopentadiene |

**SECTION 2**  
**CULTURAL RESOURCES MANAGEMENT**

**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Cultural Resources Management and is intended to supplement the U.S. TEAM Guide. The Virgin Islands currently has no regulations in this area. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**Definitions**

- *Alteration* - any change, addition or modification in the District; any change in the structural members of a building such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed" (Code of Virgin Islands Regulations, Title 29, Section 281-2 (CVIR 29-281-2)) [Added January 2005].
- *Building* - any structure having a roof, supported by columns or by walls, and intended for the shelter, housing or enclosure of persons, animals or goods. When any portion thereof is completely separated from each other portion by masonry or a firewall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building (CVIR 29-281-2) [Added January 2005].
- *Construction* - the erection of any on-site improvement on any parcel of ground located within a historic district or on a landmark site, whether the site is presently improved, unimproved, or hereafter becomes unimproved by demolition, demolition by neglect, or destruction of the improvements located thereon by any means (CVIR 29-281-2) [Added January 2005].
- *Cultural Resources* - any district, site, building, structure, or object significant in Virgin Islands, Caribbean or American history, architecture, archaeology, engineering or culture (CVIR 29-281-2) [Added January 2005].
- *Demolition* - the complete destruction of a building or structure on any site (CVIR 29-281-2) [Added January 2005].
- *Demolition by Neglect* - neglect in the maintenance of any building or structure resulting in any one or more of the following (CVIR 29-281-2) [Added January 2005]:
  - (A) The deterioration of the building or structure to the extent that it creates or permits a hazardous, unsafe or aesthetically unpleasant condition.
  - (B) The deterioration of the building or structure characterized by one or more of the following:
    - (a) Parts which are deteriorated to such an extent that they may fall and injure persons or property.
    - (b) Deteriorated or inadequate foundation.
    - (c) Defective or deteriorated floor supports insufficient to carry imposed loads with safety.
    - (d) Members of walls, or other vertical supports splitting, leaning, listing, or buckling due to defective material or deterioration.
    - (e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
    - (f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members sagging, splitting, or buckling due to defective material or deterioration.
    - (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
    - (h) Fireplaces or chimneys which list, lean, bulge, or settle due to defective material or deterioration.
    - (i) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly water-tight.

(C) Action by the Territory, the Fire Marshall, or the Department of Public Works relative to the safety or physical condition of any building.

- *Earth-works* - any surface or subsurface remains of historical, archaeological, or architectural importance or any ground formations of archaeological significance (CVIR 29-281-2) [Added January 2005].
- *Erected* - the word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving and the like shall be considered a part of erection (CVIR 29-281-2) [Added January 2005].
- *Exterior* - all outside surfaces on any building (CVIR 29-281-2) [Added January 2005].
- *Exterior Architectural Features* - the architectural style, scale, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of the roof, windows, doors, signs, or other appurtenant features (CVIR 29-281-2) [Added January 2005].
- *Historic and Architectural Control Districts* - the Historic and Architectural Control Districts, also referred to in these Regulations as the Historic Districts, or the Districts, are the Charlotte Amalie Historic and Architectural Control District created and defined by the Act of June 24, 1968, No. 2258, § 3(a), Sess.L.1968, Pt. II, p. 104, the Christiansted Historic and Architectural Control District created and defined by the Act of June 24, 1968, No. 2258, § 3(b), Sess.L.1968, Pt. II, p. 105, and the Frederiksted Historic and Architectural Control District created and defined by the Act of May 22, 1990, No. 5554, § 1, 2, Sess.L.1990, pp. 179, 180 (CVIR 29-281-2) [Added January 2005].
- *Historic District Permit* - a document issued by the Historic Preservation Commission approving and permitting the work proposed by an applicant (CVIR 29-281-2) [Added January 2005].
- *Historic Property* - any site, building, structure, or other property significant in Virgin Islands, Caribbean or American history, architecture, archaeology, engineering or culture (CVIR 29-281-2) [Added January 2005].
- *Integrity* - the authenticity of a property's historic identity, evidenced by physical characteristics surviving from the property's historic or prehistoric period (CVIR 29-281-2) [Added January 2005].
- *Major Applications* - major applications include applications for alterations of fenestration, alterations of additions to porches, roofs and balconies, landscaping, building additions, new buildings, new construction, excavation, reconstruction, rehabilitation and restoration, and applications for significant interior changes to any building or structure listed in the Registry (CVIR 29-281-2) [Added January 2005].
- *Minor Applications* - applications which involve light modifications to a building's integrity. Minor applications include applications for sign changes or additions, paint color changes, repair of rubble and other masonry walls and their finishes, cleaning and repair of stone structural elements or walls, alterations of wood structural elements or exterior wood sheathing, alterations of windows or doors, cleaning, repair or additions of architectural metals, including protective grill work, lighting changes, and air conditioning and other mechanical systems, provided that no structural change is involved (CVIR 29-281-2) [Added January 2005].
- *National Historic Landmark* - a district, site, building, structure, or object, in private or public ownership, judged by the Secretary of the Interior to possess national significance in American history, architecture, archaeology, engineering or culture (CVIR 29-281-2) [Added January 2005].
- *National Register of Historic Places* - the list of districts, sites, buildings structures, and objects significant in American history, architecture, archaeology, engineering, or culture, authorized by the National Preservation Act of 1966 (CVIR 29-281-2) [Added January 2005].

- *Ordinary Repairs and Maintenance* - work done on a building or structure to replace any part in order to correct any deterioration, decay or damage, in order to restore the building or structure as nearly as practical to its prior condition (CVIR 29-281-2) [Added January 2005].
- *Plans and Specifications* - the detailed working drawings and technical specifications necessary to guide construction, determine the scope of work, and provide a firm basis for competitive bidding and contractual obligations (CVIR 29-281-2) [Added January 2005].
- *Reconstruction* - the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or part hereof, as it appeared at a specific period of time (CVIR 29-281-2) [Added January 2005].
- *Rehabilitation* - the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values (CVIR 29-281-2) [Added January 2005].
- *Restoration* - the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time, by removing features from other periods and reconstructing missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project (CVIR 29-281-2) [Added January 2005].
- *Sign* - any publicly displayed board, placard, or other object bearing advertising, information, or any picture or writing (CVIR 29-281-2) [Added January 2005].
- *Site* - the location of a significant event, prehistoric or historic occupation or activity, or of a building or structure, whether standing, ruined, or vanished, which location itself maintains a historical or archaeological value regardless of the value of any existing structures (CVIR 29-281-2) [Added January 2005].
- *Structure* - anything built or constructed and attached to real property (CVIR 29-281-2) [Added January 2005].
- *Virgin Islands Registry of Historic Buildings, Sites, and Places* - the inventory of all buildings, sites, features, landmarks, areas, and districts in the Virgin Islands which are determined after notice and public hearing to be worthy of recordation and preservation, prepared by the Commission from time to time, submitted to the Legislature, and approved by the Governor. The Virgin Islands Registry of Historic Buildings, Sites, and Places is also referred to in these Regulations as "the Registry" (CVIR 29-281-2) [Added January 2005].

**CULTURAL RESOURCES MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

Missing Checklist Items  
Historic Properties

CR.2.1.VI.  
CR.5.1.VI.

**COMPLIANCE CATEGORY:**  
**CULTURAL RESOURCES MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|--|---|
| <p><b>CR.2.</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>CR.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**CULTURAL RESOURCES MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|---|---|
| <p><b>CR.5.</b></p> <p><b>HISTORIC PROPERTIES</b></p> <p><b>CR.5.1.VI.</b> Construction, renovation and demolition of buildings within historic districts must be permitted (CVIR 29-281-4 and 29-281-12) [Added January 2005].</p> | <p>Verify that no private or public building or structure including stone walls, fences, boundary walls, paving and steps, are erected, reconstructed, altered, restored, moved or demolished within any District until a Historic District permit has been issued by the appropriate island Committee.</p> <p>Verify that there is no excavation or moving of earth, rock or subsoil without a Historic District Permit.</p> <p>Verify that no sign, light, fence, wall or other appurtenant fixture is erected or displayed on any lot or on the exterior of any building or structure located within any District without a Historic District permit.</p> <p>(NOTE: Nothing in these regulations is construed to prevent ordinary maintenance or repairs which do not involve a change of design, of material, or of the outward appearance of a building.)</p> <p>(NOTE: Nothing contained herein will prevent work on or repairs to a landmark, landmark site, or building in a District, pursuant to the order of any government agency or court, for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property, provided that in cases of demolition, prior notice action shall be given to the appropriate island Committee.)</p> <p>Verify that the permit applicant posts the Historic District Permit on the exterior of the building where plainly visible for public inspection during the period of construction.</p> <p>(NOTE: All Historic Districts Permits expire one year after the date of issuance if work as approved has not begun.)</p> <p>Verify that all buildings within the Architectural Control Districts are maintained to meet minimum standards of the housing code, and that there is no 'demolition by neglect' (see definitions).</p> |

**SECTION 3**

**HAZARDOUS MATERIALS MANAGEMENT**

**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Hazardous Substances Management and is intended to supplement the U.S. TEAM Guide. The Virgin Islands currently has no regulations in this area. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**HAZARDOUS WASTE MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

Missing Checklist Items

HM.2.1.VI.

**COMPLIANCE CATEGORY:**  
**HAZARDOUS MATERIALS MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|---|---|
| <p><b>HM.2.</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>HM.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |



**SECTION 4**  
**HAZARDOUS WASTE MANAGEMENT**  
**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Hazardous Waste Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**Definitions**

- *Disposal Site* - any sanitary landfill, incinerator, baling or resource recovery facility or any other site authorized and designated by the Commissioner as the final resting place of solid or hazardous wastes (Code of Virgin Island Rules, Title 19, Subchapter 1560, Section 1 (CVIR 19-1560-1)).
- *Hazardous Waste* - a solid waste, or combination of solid wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or managed (CVIR 19-1560-1).
- *Person* - any individual, family, trust, firm, joint stock company, corporation, partnership, association, commission, political subdivision or local or federal government department or agency, including independent instrumentalities thereof (CVIR 19-1560-1).
- *Private Waste Collector* - a waste collector who engages in the business of collection and transportation of waste to a disposal area by specific hire or contract with another person, and does not mean a public agency responsible by law for the collection of waste (CVIR 19-1560-1).
- *Solid Waste* - any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) (CVIR 19-1560-1).
- *Special Waste* - any solid waste which is designated as such and regulated in this chapter (CVIR 19-1560-1).
- *Storage Facility* - a site or facility or transfer station for the storage of wastes, other than storage containers or waste containers, prior to salvage, reuse or recovery, or transportation for salvage, reuse or recovery (CVIR 19-1560-1).
- *Treatment* - any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste or special waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume (CVIR 19-1560-1).
- *Waste* - when unqualified, means solid waste and/or hazardous waste (CVIR 19-1560-1).

- *Waste Collection* - the procedure whereby waste and/or waste containers containing waste are taken from designated locations and loaded into or onto vehicles for transport to a disposal area, and empty containers are left at or returned to such designated locations (CVIR 19-1560-1).
- *Waste Collector* - the person, firm, agency or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of waste (CVIR 19-1560-1).
- *Waste Disposal* - the entire procedure required for the disposal of wastes and includes all tools, equipment, treatment space, buildings, structures, appurtenances and materials required to take waste from a waste collector and bury, burn, process, destroy or by other approved means dispose of same (CVIR 19-1560-1).

**HAZARDOUS WASTE MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

Missing Checklist Items

HW.2.1.VI.

State Specific Hazardous Waste Requirements

HW.5.1.VI. through HW.5.3.VI.

**COMPLIANCE CATEGORY:**  
**HAZARDOUS WASTE MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|---|---|
| <p><b>HW.2</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>HW.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:<br/>HAZARDOUS WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>  |  |
|---|--|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <b>HW.5.</b><br><br><b>STATE SPECIFIC<br/>HAZARDOUS WASTE<br/>REQUIREMENTS</b>  |  |
| <b>HW.5.1.VI.</b> Collectors, generators, and facilities for treatment/storage/disposal or recovery of hazardous wastes and special wastes must have a permit from the Department (CVIR 19-1560-501). | <p>Verify that any person engaged in the collection, generation, storage, transportation, treatment, disposal or recovery of hazardous wastes and special wastes obtains a permit from the Department of Planning and Natural Resources.</p> <p>(NOTE: However, as this permit relates to used oil, a person or household "do-it-yourselfer" used oil generator does not include an individual who stores, transports, generates or collects less than 5 gal/mo from a non-commercial or non-industrial source.)</p> |
| <b>HW.5.2.VI.</b> Hazardous waste must be disposed of only at approved, permitted disposal sites (CVIR 19-1560-300).  | <p>Verify that all hazardous waste is disposed of only at publicly or privately operated disposal sites duly approved and for which permits have been issued by the Department of Conservation and Cultural Affairs.</p>   |
| <b>HW.5.3.VI.</b> Hazardous waste must not be mixed with other solid wastes ( CVIR 19-1560-2(i)).   | <p>Verify that no person mixes inflammable or explosive materials nor any material classed as a hazardous waste under these regulations with other solid wastes for disposal purposes.</p>   |



**SECTION 5**  
**NATURAL RESOURCES MANAGEMENT**  
**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Natural Resources Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**Definitions**

- *Coastal Zone Management Act* - the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1451 et seq (CVIR 12-902-2).
- *Commissioner* - the Commissioner of Planning and Natural Resources (Virgin Islands Code Annotated, Title 12, Section 102 (VIC 12-102)).
- *Commissioner* - the Commissioner of Conservation and Cultural Affairs, his authorized designee, or any person authorized to act as Commissioner (CVIR 12-902-2).
- *Development* - the placement, erection, or removal of any fill, solid material or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; grading, removing, dredging, mining, or extraction of any materials, including mineral resources; subdivision of land pursuant to Title 29 V.I.C., chapter 3; construction, reconstruction, removal, demolition or alteration of the size of any structure; or removal or harvesting of vegetation, including coral. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use or subdivision of land for agricultural purposes which do not disturb the coastal waters or sea, or any improvements made in the interior of any structure (CVIR 12-902-2).
- *Director* - the Director of the Division of Coastal Zone Management as created under 12 V.I.C. § 904(h) (CVIR 12-902-2).
- *Division of Coastal Zone Management* - that Division within the Department of Conservation and Cultural Affairs established by section 904(h) of the Act, the powers and duties of which are, without limitation, to assist the Commission and Commissioner in administering and enforcing the provisions of the Act (CVIR 12-902-2).
- *Dock* - a landing pier or a slip or waterway that is between two piers or cut into the land, and whose primary purpose is the berthing of ships (CVIR 12-902-2).
- *Endangered Species* - any species of animal life or plants which have been listed by the Federal or Territorial governments as endangered (VIC 12-102).
- *Exotic Species* - any foreign or introduced species (VIC 12-102).
- *First Tier* - that area extending landward from the outer limit of the territorial sea, including all offshore islands and cays, and is that area designated as such on the Coastal Zone Management plan map identified as document number S TCZM-125, S CCZM-1211, S JCZM-124, and O ICZM-1, in clusive, on file in the Office of the Division of Coastal Zone Management, the Commissioner, the Lieutenant Governor, and the Virgin Islands Planning Office (CVIR 12-902-2).

- *Indigenous Species* - any species of animal life, including migratory animals arriving in the United States Virgin Islands as part of their normal migration, but does not include certain vermin or feral species. The definition also includes all plants occurring and living naturally in the United States Virgin Islands.
- *Land Clearing* - the exposure of earth by the removal of vegetative cover of any kind (CVIR 12-902-2).
- *Live Rock* - any piece of coral (dead or alive), substrate or other material to which is attached, or which supports, any marine life form of any kind whatsoever (VIC 12-102).
- *Mangrove* - any of three species of woody plants known as red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*), and white mangrove (*Laguncularia racemosa*) (VIC 12-102).
- *Person* - any individual, organization, partnership, association, corporation or other entity, including any utility, the Government of the Virgin Islands, the Government of the United States, any department, agency, board, authority or commission of such governments, including specifically the Virgin Islands Port Authority and the Virgin Islands Water and Power Authority, and any officer or governing or managing body of any of the foregoing (CVIR 12-902-2).
- *Public Agency* - Government of the United States, the Government of the Virgin Islands or any department, agency, board, authority or commission of either government, including those having an independent board of directors or entitled to engage in commercial activity including the Virgin Islands Port Authority and the Virgin Islands Water and Power Authority, and any officer or governing or managing body of any of the foregoing (CVIR 12-902-2).
- *Riprap Revetments* - a facing made of irregularly placed stones or pieces of boulders, gabions, or other structures placed on a soil or rock embankment to prevent scouring by weather or water. For purposes of minor permits, they shall not exceed 150 feet in length, shall not exceed one cubic yard of fill per running foot, shall have a slope of one (vertical) to two (horizontal), unless the bank slopes dictate otherwise, and shall consist of a clean rock or gravel fill (CVIR 12-902-2).
- *Shoreline* - the area along the coastline of the Virgin Islands from the seaward line of low tide, running inland at a distance of 50 feet, or to the extreme seaward boundary of natural vegetation which spreads continuously inland, or to a natural barrier, whichever is the shortest distance. Whenever the shore is extended onto the sea by or as a result of filling, dredging, or other man-made alterations, the landward boundary of the shorelines shall be at the line previously established.
- *Small Intake and Outfall Pipes* - pipes with an inside diameter not exceeding eight inches extending from the fast-lands or landfill into the sea (CVIR 12-902-2).
- *Small Private Pier* - a pier which does not exceed 80 feet in length, is not closer than 30 feet to an adjacent pier, does not exceed 500 square feet in area, and whose use is private (CVIR 12-902-2).
- *Swimming or Navigation Buoys* - floating objects anchored in coastal waters in order to guide mariners or define areas reserved for swimmers or other specialized uses, and/or to mark the position of submerged objects (CVIR 12-902-2).
- *Threatened Species* - any species of animal life or plants which have been listed by the Federal or Territorial governments as threatened (VIC 12-102).

**NATURAL RESOURCES MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                           |                                 |
|---------------------------|---------------------------------|
| Missing Checklist Items   | NR.2.1.VI.                      |
| Land Management           | NR.10.1.VI.                     |
| Water Resource Management | NR.15.1.VI. and NR.15.2.VI.     |
| Wildlife                  | NR.20.1.VI. through NR.20.7.VI. |

**GUIDANCE FOR APPENDIX USERS**

| <b>APPENDIX NUMBERS:</b> | <b>APPENDIX TITLES:</b>                                |
|--------------------------|--|
| 5-1                      | List Of Federal Actions Subject To Federal Consistency |

**COMPLIANCE CATEGORY:**  
**NATURAL RESOURCES MANAGEMENT**  
**Virgin Islands Supplement**

| REGULATORY REQUIREMENTS:   | REVIEWER CHECKS:<br>January 2010  |
|--|---|
| <p><b>NR.2.</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>NR.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**NATURAL RESOURCES MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>   |
|--|--|
| <p><b>NR.10.</b></p> <p><b>LAND MANAGEMENT</b></p> <p><b>NR.10.1.VI.</b> Earth change plans must be submitted and approved prior to any clearing, grading, filling or otherwise disturbing any real property (VIC 12-13-533 and 535) [Added January 2004].</p> | <p>Verify that before any real property is cleared, graded, filled or otherwise disturbed for any purpose or use including, but not limited to, the erection of any building or structure, the quarrying of stone or the construction of roads and streets, an Earth Change Plan is approved by the Department of Planning and Natural Resources.</p> <p>(NOTE: This requirement applies to any person or other legal entity, or department, agency, board, authority or other instrumentality of the Government of the Virgin Islands or the United States Government.)</p> <p>(NOTE: The provisions of this chapter do not apply to common household gardening, truck farming and the cultivation of property for agricultural purposes under approved soil and water conservation practices.)</p> |

**COMPLIANCE CATEGORY:**  
**NATURAL RESOURCES MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|---|---|
| <p><b>NR.15.</b></p> <p><b>WATER RESOURCE MANAGEMENT</b></p> <p><b>NR.15.1.VI.</b> A permit must be obtained before performing or undertaking any development in the coastal zone (CVIR 12-910-1 and 12-910-2(c)) [Revised January 2004].</p> | <p>Verify that any person intending to perform or undertake any development in the first tier of the coastal zone obtains a Coastal Zone Permit prior to performing or undertaking any such development.</p> <p>(NOTE: In addition to those activities designated in the Act, the Commission designates the following activities, which are conducted completely or substantially seaward of the line of mean high tide, as requiring minor Coastal Zone Permits:</p> <ul style="list-style-type: none"> <li>- swimming or navigation buoys</li> <li>- moorings</li> <li>- small intake and outfall pipes</li> <li>- small private piers</li> <li>- rafts or floats</li> <li>- underwater transmission lines or cables</li> <li>- riprap revetments</li> <li>- ramps</li> <li>- scientific experiments on a case-by-case basis to be decided by the Commissioner.)</li> </ul> <p>Verify that prior to the installation of any component of an onsite sewage disposal system within the coastal zone, a Coastal Zone permit is obtained.</p> <p>Verify that, prior to the start of any activities related to or undertaken in conjunction with the cultivation, use or subdivision of land for agricultural purposes, the Division of Coastal Zone Management is notified in writing in order to determine potential impacts on coastal waters and to prescribe appropriate preventive measures.</p> |
| <p><b>NR.15.2.VI.</b> Federal agencies must determine if proposed activities will have affects on the coastal zone (CVIR 12-904-7(4) and (5)) [Added February 2007].</p>  | <p>(NOTE: See Appendix 5 -1 for a list of Federal actions that require consistency determination.)</p> <p>Verify that Federal agencies that are proposing activities (within or outside of the coastal zone), determine if the activity will have reasonably foreseeable effects upon any land use, water use, or natural resource of the coastal zone, considering cumulative and secondary effects as well.</p> <p>Verify that if such effects are reasonably foreseeable, the Federal agency notifies</p>  |

**COMPLIANCE CATEGORY:**  
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| <b>REGULATORY REQUIREMENTS:</b> | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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|                                 | <p>the Division in writing at least 90 days before final approval of the Federal agency action ( unless b oth t he F ederal ag ency a nd t he D ivision ag ree o n a d ifferent schedule).</p> <p>Verify that, if the Federal agency determines that a consistency determination is not required because negative effects are not reasonably foreseeable, the Federal agency submits a negative determination to the Division at least 90 days before final approval of the activity.</p> |

**COMPLIANCE CATEGORY:**  
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| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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| <b>NR.20.</b><br><br><b>WILDLIFE</b>   |   |
| <b>NR.20.1.VI.</b> Indigenous species must be protected (VIC 12-105(a)).                             | <p>Verify that no person takes, catches, possesses, injures, harasses, kills, or sells or offers for sale, or transports or exports, whether or not for sale, any indigenous species, including live rock.</p> <p>(NOTE: Persons holding valid fishing or hunting licenses, scientific or aquarium collecting permits, or indigenous species retention permits, may operate within the scope and under the terms and conditions expressed in those licenses and permits.)</p>   |
| <b>NR.20.2.VI.</b> Endangered and threatened species must be protected (VIC 12-105(b), (c) and (e)). | <p>Verify that no person takes, catches, or possesses any specimen of an endangered or threatened species unless they hold a valid collecting permit from the Federal Government in the case of federally listed species, or a territorial permit in the case of an exclusively territorially listed species.</p> <p>Verify that no person ships, transports, or exports any specimen of an endangered or threatened species, or parts or produce thereof, whether for sale or not, unless they hold a valid Federal permit in the case of a federally listed species, or a valid territorial permit in the case of an exclusively territorially listed species.</p> <p>Verify that no person harasses, injures or kills, or sells or offers for sale any specimen, or parts or produce of such specimen, of an endangered or threatened species.</p> |
| <b>NR.20.3.VI.</b> The importation of non-indigenous species is restricted (VIC 12-105(d)).          | Verify that there is no importation or introduction to the United States Virgin Islands of any species of plant or animal which does not naturally occur in the Territory without the express written permission of the Commissioner.   |
| <b>NR.20.4.VI.</b> Mangroves must not be cut or disturbed (VIC 12-105(f)).                           | Verify that no person prunes, cuts, removes, or otherwise disturbs any growth of mangroves, whether on private land or not, unless a permit has been obtained in advance from the Commissioner, and the person is acting within the scope of that permit.   |
| <b>NR.20.5.VI.</b> Seabirds must not be disturbed ( VIC 1-2-   | Verify that no person disturbs, damages or removes the nest, or contents of any   |

**COMPLIANCE CATEGORY:**  
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| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
|--|--|
| 105(g) and (h)).   | <p>nest, of any seabirds (or other indigenous endangered species).</p> <p>Verify that there is no operation of a helicopter or fixed wing aircraft over a seabird rookery on an off lying island or cay at an altitude of less than 1000 ft, or approach of such island or cay closer than one-half mile, except for regularly scheduled commercial flights which, when landing pattern approach to the Cyril E. King Airport, must, for safety reasons, go over Little Saba and Flat Cay, St. Thomas, United States Virgin Islands, at an altitude of less than 1000 ft.</p> <p>(NOTE: A concerted flight by seabirds in conjunction with an overflight is deemed <i>prima facie</i> evidence of a violation of this subsection.)</p> |
| <b>NR.20.6.VI.</b> The transport of live indigenous species must be permitted (VIC 12-106(d)).       | <p>Verify that a permit is obtained from the Commissioner prior to the shipment or transport of any live indigenous species from the Territory.</p>  |
| <b>NR.20.7.VI.</b> The cutting or injuring of certain trees is prohibited ( VIC 12 -123 and 12-124). | <p>Verify that no landowner or other person cuts or injures any tree or vegetation within 30 ft of the center of any natural watercourse, or within 25 ft of the edge of such watercourse, whichever is greater.</p> <p>(NOTE: For purposes of this chapter a natural watercourse means any stream with a reasonable well-defined channel, and includes streams which have a permanent flow, as well as those which result from the accumulation of water after rainfalls and which regularly flow through channels formed by the force of the waters.)</p> <p>(NOTE: A landowner may obtain written permission of the Commissioner to cut or injure such trees.)</p>  |

## **Appendix 5-1**

### **List Of Federal Actions Subject To Federal Consistency**

(VI Dept of Planning and Natural Resources, Coastal Zone Management Program, Federal Consistency regulations)

NOTE: This document available on-line at: <http://www.viczmp.com/applications/FedConsistency.pdf>

#### **A. Federal Agency Activities and Development Projects**

##### **Department of Defense- Secretary of the Army and the Army Corps of Engineers -**

33 USC 404-426, 33 USC 471-472@ 33 U SC 540-633, 33 USC 701, 16 U SC 460d, 42 USC 1962d-5, 10 U SC 2801 @ 33 USC 1251

- Constructing, maintaining and improving channels or subsurface tunnels
- Dredging, storing, testing, sampling, dewatering, and disposing of dredged material
- Selection of storage, dewatering, and disposal sites for dredged material
- Building, maintaining, and repairing breakwaters, jetties, barriers, harbors, piers, docks
- Placing pipes or pipelines on, over, or under the lake bottom
- Establishment of harbor lines
- Creation of permanent sand bypass systems
- Creating habitat areas, including wetlands and offshore islands, from dredged material
- Beach nourishment and replenishment activities, reinforcing dunes and beaches
- Creation of man-made dunes and other man-made land
- Road and roadbed construction activities
- Building and maintaining erosion control structures
- Constructing navigational works, and marking anchorage grounds
- Constructing and maintaining dams and reservoirs, and providing hydroelectric power
- Constructing and maintaining flood control works, i.e. floodwalls, levees, diversion chan'l's
- Granting easements for rights-of-way for public roads on lands acquired by the United States for river and - harbor and flood control improvements, 33 USC 558c
- Land acquisition or disposal, including sites for disposal of dredged material C cleanup activities in areas contaminated with hazardous waste, radioactive waste, toxic waste, active munitions, hazardous substances or materials, or other wastes or debris
- Design and management of construction for homes, schools, hospitals, day care centers, office buildings, airfields, warehouses, and training ranges for military and their families
- Purchase, management, and disposal of land for the Army and Air Force
- Providing engineering expertise to other federal agencies, state & local governments, and others
- Constructing, operating, and maintaining Army facilities
- Conducting projects that impact existing or planned research projects and contract
- Coastal surveys, monitoring, aerial photos, and coastal erosion mapping efforts
- Activities and other projects with the potential to impact coastal lands and waters.

##### **Department of Defense- Air Force, Army, and Navy –**

10 U.S.C.

- Location, design, and acquisition of new or expanded defense installations (active or reserve status including associated housing, transportation, or other facilities)
- Improvements to military bases
- Base closures or realignments
- Military or Naval exercises
- Plans, procedures, and facilities for handling storage use zones
- Establishment of impact, compatibility, or restricted use zones
- Disposal of Defense property, including disposal and reuse plans for base closures

- Air Force, Army, or Navy manufacture, storage, transportation, treatment, or disposal of radioactive, hazardous, or other waste or hazardous substances, directly or by contractor
- Manufacture, transport, storage, or disposal of weapons, biological or nerve agents, nerve or mustard gas, napalm, explosives, nuclear power plant waste, etc.
- Causing or discovering the presence of nuclear powered vessels in the coastal zone or in other areas which could reasonably be expected to affect the coastal zone.

**Department of Interior- National Park Service –**

16 U.S.C. 1, 16 USC460u

- Acquisitions of land and interest in land; granting rights-of-way
- Area and unit management
- Location, design, acquisition, construction, maintenance, and removal of facilities
- Removal of houses, including leaseback houses
- Entering into concession contracts, establishing and modifying concession facilities.

**Department of Interior- U.S. Fish and Wildlife Service –**

16 U.S.C. 742a

- Management of National Wildlife Refuges
- Management of waterfowl production areas
- Construction or modification of hatcheries, refuge facilities, office buildings, residences, laboratories, recreation facilities, water-control structures, and special purpose structures
- Acquisition of lands, wetlands, and other suitable habitat for migratory birds, endangered species, and other wildlife; granting rights-of-way
- Fish habitat creation, maintenance, and management
- Construction of visitor facilities and environmental education centers
- Construction of roadways, dikes, and dams
- Construction of sewerage facilities for domestic and hatchery effluent needs
- Recovery plans under Endangered Species Act, 16 U.S.C. 1531
- Nuisance species control measures
- Granting easements for shooting and fishing activities under 16 U.S.A. 661
- Classification and leasing of land under 16 U.S.C. 666g.

**Department of Interior- U.S. Geological Survey –**

43 U.S.C. 31

- Installation, operation, and maintenance of acoustic water velocity meters or other devices in waters off the coastal zone.

**Department of Interior- Bureau of Land Management –**

43 U.S.C. 25 U.S.C.A. Approx. 1, Reorg. Plan 3 of 1946. IV

- Disposal and disposition of federal lands and structures, including lighthouses
- Acquisition of land or interest in land, construction of facilities.

**General Services Administration –**

40 U.S.C. 751, 40 U.S.C.

- Acquisition, location, design, construction, development, management, and leasing (as lessor or lessee) of federal govt. property or buildings, leased or owned by fed govt.
- Disposition and disposal of federal surplus lands and structures.

**Department of Transportation- U.S. Coast Guard –**

49 U.S.C. 108, 14 U.S.C.

- Location, design, construction, alteration, abandonment, or disposition of Coast Guard stations, bases, and lighthouses

- Location, placement, or removal of navigation devices which are not part of the routine operations under the Aids to Navigation program
- Expansion, abandonment, designation of anchorages, lighting areas, and shipping lanes
- Ice management practices and activities, including ice breaking
- Oil and hazardous material pollution response planning and response activities, and Area Contingency Plans developed under the Oil Pollution Control Act, 33 U.S.C. 1321
- Responses to the release of hazardous substances under CERCLA, 42 U.S.C. 9601
- Designation and management of Regulated Navigation Areas and Limited Access Areas identified in 33 CFR 165
- Designation of Security and Safety Zones and other activities under the Port and Waterways Safety Act, 33 U.S.C. 1221
- Construction, operation, maintaining, improving or expanding Vessel Traffic Services under the Port and Waterways Safety Act, 33 U.S.C. 1221
- Regulating the bulk transport by vessel of hazardous material or petroleum products.

**Department of Transportation- Federal Aviation Administration –**

49 U.S.C. 106, 49 U.S.C. 40101, 49 U.S.C. 44501, 49 U.S.C. 44701, 49 U.S.C. 47501

- Location and design, installation, construction, operation, maintenance, quality assurance, testing, and demolition of airports and other aids to air navigation
- Development and implementation of programs to control aircraft noise and other environmental effects of civil aviation, and allocating use of airspace
- Procedures for transport of radioactive materials on passenger-carrying aircraft.

**Department of Transportation- Surface Transportation Board - 49 U.S.C. 101-01**

- Line transfers, leases, and trackage rights
- Line sales, including those to non-carriers
- Line constructions, including line crossings
- Design, construction, expansion, curtailment, or upgrading of railroad facilities or services, including bridges
- Removal of trackage; disposition of right-of-way
- Line abandonment's, including Rails to Trails and Public Use Provision for Right-of-way
- Feeder Line Development Program.

**Department of Transportation-Federal Highway Administration –**

49 U.S.C. 104, 49 USCS Appx 1653

- Highway, bridge, and causeway design, construction, maintenance, and repair
- Land acquisition
- Implementation of innovative or other technology affecting traffic control or flow'
- Highway routing of hazardous materials.

**Department of Transportation- Maritime Administration –**

49 U.S.C. 109, 40 U.S.C. 474, 46 USCS Appx 861, 46 USCS Appx 1101-46 U.S.C. Appx 1601

- Port planning.

**Department of Transportation- Federal Railroad Administration –**

49 U.S.C. 103

- Orders dealing with dangers caused by unsafe rail transport of hazardous materials.

**Department of Commerce- National Oceanic and Atmospheric Administration -**

Reorganization Plan No.4 of 1970 at 5 USCS 903, 15 U.S.C. 1501, 33 U.S.C. 1251

- Placement of buoys, platforms, or other objects or structures in coastal waters
- Construction, installation, maintenance, or removal of lake level gauging stations or other structures.

**Environmental Protection Agency -**

42 U.S.C. 6901,-42 U.S.C. 9601, 33 U.S.C. 1341, 42 U.S.C. 300h

- Activities conducted under CERCLA (Superfund), 42 U.S.C. 9601
- Activities conducted under Resource Conservation & Recovery Act, 42 U.S.C. 6901
- Sediment sampling and sediment testing
- Open disposal of dredged material.

**Department of Energy- Federal Energy Regulatory Commission -**

42 U.S.C. 7171, 16 U.S.C. 796

- Delivery of oil or coal by ship
- Orders for furnishing of adequate service under the FPA, 16 U.S.C. 824f
- Licensee's exercise of eminent domain (as agent of the U.S.) under FPA, 16 U.S.C. 814
- Grant of right of eminent domain for right of way for natural gas pipeline under the Natural Gas Act, 15 U.S.C. 717f (h).

**Department of Justice- U.S. Marshals Service -**

28 U.S.C. 561, 28 U.S.C. 2001

- Disposition of property acquired by the Marshals Service.

**Nuclear Regulatory Commission -**

42 U.S.C. 2011, 42 U.S.C. 5841

- The siting, construction and operation of nuclear generating stations, power plants, fuel storage, and processing centers
- Transportation of nuclear waste through the coastal zone or in any other area where such transport could reasonably be expected to affect the coastal zone.

**Federal Emergency Management Agency -**

42 U.S.C. 4001, 42 U.S.C. 51

- Disaster-related activities (i.e. planning, mitigation activities, monitoring reconstruction) in the coastal zone or in any other area where such activities could be reasonably expected to affect the coastal zone.

**B. Federal License and Permit Actions**

**Department of Defense Secretary of the Army, and Army Corps of Engineers**

- Permits for construction of dams or dikes in or over navigable waters required under Section 9 of the Rivers and Harbors Act of 1899, 33 U.S.C. 401
- Permits for the construction of structures (i.e. piers, wharves, breakwaters, bulkheads, jetties, weirs, transmission lines, pipes, or pipelines) in, under, or over navigable waters required by Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Permits for excavating or dredging from navigable waters, or for the alteration or modification of the course, location, condition, or capacity of such waters, required by Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Permits for disposal of dredged or fill material into navigable waters required by Section 10 of the Rivers and Harbors Act of 1899; 33 U.S.C. 403
- Permits for the disposal of dredged or fill material into waters of the United States required by Section 404 of the Clean Water Act, 33 U.S.C. 1344
- Permits for the alteration or occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S., or of any piece of plant used in the construction of such work, or of any material composing such work, required by Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. 408
- Approval of plans for improvement made at private expense under USACE supervision pursuant to Section 1 of the Rivers and Harbors Act of 1902, 33 U.S.C. 565.

**Department of Energy- Federal Energy Regulatory Commission -**

42 U.S.C. 7101

- Licenses, renewals, or amendments to licenses, or approvals for transfers of licenses or rights thereunder, for non-federal hydroelectric projects and primary transmission lines under Sec. 3(11), 4(e), 8, and 15 of the Federal Power Act (F.P.A.), 16 U.S.C. 796 (1), 797(e), 801, and 808, and under Sec. 405 of F.P.A., 16 U.S.C. 2701
- Granting exemptions from Federal Power Act (F.P.A.) requirements, 16 U.S.C. 823a Applications for orders for interconnection of electric transmission facilities, and sales and exchanges of energy, under Section 202 of the F.P.A., 16 U.S.C. 824a
- Application for orders authorizing disposition, consolidation, or merger of facilities or any part thereof under Sec.203 of the F.P.A., 16 U.S.C. 824b
- Applications for physical connection orders under Section 210 of the FPA,16 U.S.C. 824i
- Applications for transmission service orders under Section 21 1 of the F.P.A., 16 USC824j
- Regulation of transportation of natural gas, and the entities engaged in such, under Sec.1(b) of the Natural Gas Act, 15 U.S.C. 717 (b)
- Orders for extension or improvement of natural gas transportation facilities, and orders to establish physical connection of transportation facilities with distributors under Sec. 7(a) of the Natural Gas Act (NA), 15 U.S.C. 717f (a)
- Issuing certificates of public convenience and necessity for the construction and operation of interstate natural gas pipelines and pipeline facilities, and for the transportation of natural gas, under 7 (c) of the NA, 15 U.S.C. 717 f (c)
- Issuing declaratory orders under the Administrative Procedure Act, 5 U.S.C. 554(e)
- Licensing of import and export of natural gas under Sec.3 of the NA, 15 U.S.C. 717b
- Approval or denial of abandonment of natural gas facilities or service under Sec.7 (b) of the NA., 15 U.S.C. 717f (b)
- Exemptions from orders prohibiting burning natural gas or petroleum products in certain situations, 15 U.S.C. 792.

#### **Department of Transportation- Coast Guard**

- Approval of construction or modification of bridges, causeways, pipelines, or other structures over, on, or under navigable waters pursuant to Section 9 or 10 of the Rivers and Harbors Act, 33 U.S.C. 401, 403, and the Bridge Act, 33 U.S.C. 49
- Marine event permits issued under authority of 33 U.S.C. 1233, found at 33 CFR 100. 15.

#### **Environmental Protection Agency**

- National Pollutant Discharge Elimination System (NPDES) permits and other permits for federal installations discharges, sludge runoff, aquiculture permits and all other permits pursuant to Sections 401, 402, 405, and 318 of the Federal Water Pollution Control Act of 1972 33 U.S.C. 13417 1342, 1345, and 1328
- Permits pursuant to the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 9601
- Permits' pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 6901
- Permits pursuant to the underground injection control program under Section 1424 of the Safe Drinking Water Act, 42 U.S.C. 300h \* Indiana has primacy for Class 11 injection wells
- Permits pursuant to the Clean Air Act of 1976, 42 U.S.C. 7401
- Permits pursuant to the Marine Protection, Research, and Sanctuaries Act, 16 U.S.C. 1431.

#### **Department of Interior- U.S. Fish and Wildlife Service -**

16 U.S.C. 742a

- Endangered species permits pursuant to the Endangered Species Act, 16 U.S.C. 1531
- Permits pursuant to the Migratory Bird Treaty Act, 16 U.S.C. 703
- Permits to impound water and coordination activities under the Fish and Wildlife Coordination Act, 16 U.S.C. 661
- Permits and cooperative agreements for use of lands for grazing, timber harvest, farming, and concessions, and agreements with States for operation of Service management units
- Permits and easements for rights-of-way

- Permits for the import-export of regulated wildlife and plants, including interstate shipment of injurious wildlife
- Permits for the taking or banding of migratory birds, including falcons and eagles.

**Department of Interior- National Park Service -**

16 U.S.C. 1

- Permits for rights-of way
- Permits for scientific-collecting purposes
- Permits for special use of real property (including assets and resources or utilities)
- Agreements to permit concession operations.

**Nuclear Regulatory Commission**

- Licensing, certification, and determination of siting, construction, and operation of nuclear generating stations, fuel storage, and processing centers pursuant to the Atomic Energy Act of 1954, 42 U.S.C. 2011, Title 11 of the Energy Reorganization Act of 1974, 42 U.S.C. 5841, and the National Environmental Policy Act of 1974, 42 U.S.C. 4321.

**Department of Transportation- Federal Aviation Administration -**

49 U.S.C. 106, 49 U.S.C. 40101, 49 U.S.C. 44501, 49 U.S.C. 44701, 49 U.S.C. 47501,

- Permits, licenses, certifications, and other approvals for construction, operation, or alteration of airports
- Allocating use of airspace or otherwise permitting changes in air traffic resulting in increases of noise pollution over sensitive areas of the coastal zone
- Licensing commercial space launch facilities and private sector launching of space payloads on expendable launch vehicles.

**Department of Transportation- Surface Transportation Board -**

49 U.S.C. 10101

- Permission to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way)
- Permission to construct, expand, alter, or abandon railroads
- Issuing certificates for water carrier authority
- Granting exemptions from rail regulation
- Granting exemptions from motor carrier regulation
- Rail regulation- emergency service orders
- Rail regulation- competitive access
- Motor carrier regulation
- Bus company through-route requirements
- Intermodal regulation
- Rail-Water connections for non-contiguous domestic trade.

**Department of Transportation- Federal Highway Admin. -**

49 U.S.C. 104, 49 Appx. USCS 1653

- Issuing safety permits regarding highway routing of hazardous materials.

**Department of Transportation- Research and Special Program -**

Admin. 49 U.S.C. 5101

- Issuing, modifying, and terminating approvals under the Hazardous Materials Transportation Law (hazmat)
- Issuing, renewing, modifying, and terminating exemptions under hazmat
- Administrative determinations of whether state or local requirements are preempted under hazmat or are issued a waiver of preemption.

**C. Federal Assistance**

NOTE: Numbers refer to the Catalog of Federal Domestic Assistance Programs. Program descriptions can be found at the Catalog's website at [www.gsa.gov/fdac](http://www.gsa.gov/fdac)

## **Department of Agriculture**

### **10.025 Plant and Animal Disease, Pest Control, and Animal Care.** ( Organic

Act of 1944, as amended, Section 102; Act of April 6, 1937, as amended, 7 U.S.C. 147a, 148, 148a-148f; Animal Industry Act of May 29, 1884, as amended, 7 U.S.C. 391, 21 U.S.C. 112- 115,117,118,119,120,130; Act of February 2, 1903, as amended; Act of March 3, 1905, as amended, 21 U.S.C. 111-114a, 114a-1, 115-130; Act of February 28, 1947, as amended, 21 U.S.C. 114b-1 14c, 114d-1; Golden Nematode Act of 1948, 7 U.S.C. 150-150g; Federal Noxious Weeds Act of 1974, 7 U.S.C. 2801-2813; Halogoton Glomeratus Act of 1952, 7 U.S.C. 1651-1656; Swine Health Protection Act of 1980, Section 1 01 (b), 7 U.S.C. 3801-3812; Improvement of Poultry, Poultry Products, and Hatcheries Act, 7 U.S.C. 429; Animal Welfare Act, as amended, 7 U.S.C. 21312147, 2149,2151- 2156; Federal Plant Pest Act, 7 U.S.C. 150aa-1 50jj; Mexican Border Act, 7 U.S.C. 149; Airport and Airway Development Act of 1970, Section 15(c), as amended, Public Law 94-353; Food, Agriculture, Conservation, and Trade Act of 1990, as amended, Section 2509; Budget Reconciliation Act of 1991, Section 1203.)

### **10.405 Farm Labor Housing Loans and Grants** (Housing Act of 1949, as amended, Sections 514 and 516, 42 U.S.C. 1484 and 1486.)

### **10.407 Farm Ownership Loans** (Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1922@ 1923t1 925,1927,1928,1934)

### **10.411 Rural Housing Site Loans** (Housing Act of 1949, as amended, Section 523 and 524, 42 U.S.C. 1490c and 1490d.)

### **10.415 Rural Rental Housing Loans** (Housing Act of 1949, as amended, Sections 515 and 521, Public Law 102-550, 42 U.S.C. 1485. 1490a.)

### **10.420 Rural Self-Help Housing Technical Assistance** (Housing Act of 1949, as amended, Section 523, 42 U.S.C. 1490c.)

### **10.433 Rural Housing Preservation Grants** (Housing Act of 1949, as amended, Section 533)

### **10.760 Water and Waste Disposal Systems for Rural Communities** (Consolidated Farm and Rural Development Act, as amended, Section 306, 7 U.S.C. 1926).

### **10.763 Emergency Community Water Assistance Grants** ( Consolidated Farm and Rural Development Act, Section 306A, 7 U.S.C. 1926a; Food, Agriculture, Conservation, and Trade Act of 1990, Title XXIII, Public Law 101-624.

### **10.766 Community Facilities Loans and Grants** (Consolidated Farm and Rural Development Act, as amended, Section 306, 7 U.S.C. 1926).

### **10.767 Intermediary Relending Program** (Health and Human Services Act of 1986, Section 407, 7 U.S.C. 1932 note, 42 U.S.C. 9812a ; Food Security Act of 1985, Section 1323, as amended, 7 U.S.C. 1631; Community Economic Development Act of 1981, Section 623, as amended, 42 U.S.C. 9812)

### **10.768 Business and Industry Loans** (Consolidated Farm and Rural Development Act, as amended, Section 310B, 7 U.S.C. 1932)

### **10.769 Rural Development Grants** (Consolidated Farm and Rural Development Act, Section 310B, as amended 7 U.S.C. 1932)

### **10.770 Water and Waste Disposal Loans and Grants** (Section 306C) (Consolidated Farm and Rural Development Act, Section 306C, 7 U.S.C. 1926(c), as amended; Food, Agriculture, Conservation, and Trade Act of 1990, Title XXIII, Public Law 101-624)

### **10.854 Rural Economic Development Loans and Grants** (Rural Electrification Act of 1936, as amended, Title III, 7 U.S.C. 930-940c.)

### **10.901 Resource Conservation and Development** (Public Law 97-98, 95 Stat. 1213.)

### **10.904 Watershed Protection and Flood Prevention** (Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001, 33 U.S.C. 701b )

### **10.906 Watershed Surveys and Planning** (Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001, 33 U.S.C. 701b)

## **Department of Commerce**

### **11.300 Economic Development- Grants for Public Works and Infrastructure**

**Development** (Public Works and Economic Development Act of 1965, as amended, 42 USC 3131, 3132, 3135, 3171)

**11.302 Economic Development- Support for Planning Organizations** (Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151, 3152)

**11.303 Economic Development- Technical Assistance** (Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 31517 3152)

**11.304 Economic Development- Public Works Impact Program** (Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3131, 3135)

**11.305 Economic Development- State and Local Economic Development Planning** (Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151 a )

**11.307 Special Economic Development and Adjustment Assistance Program, Sudden and Severe Economic Dislocation (SSED) and Long-Term Economic Deterioration (LTED)** (Public works and Economic Development Act of 1965, as amended, 42 U.S.C. 3241, 3243, 3244, 3245)

**11.405 Anadromous Fish Conservation Act Program** (Anadromous Fish Conservation Act of 1965, as amended, 16 U.S.C. 757a through f ; Reorganization Plan No. 4, 1970)

**11.407 Interjurisdictional Fisheries Act of 1986** (interjurisdictional Fisheries Act of 1986, as amended, 16 U.S.C. 4106)

**11.419 Coastal Zone Management Administration Awards** (Coastal Zone Management Act of 1972, Section 306, Section 308, Section 309, and Section 3.10, as amended, 16 U.S.C. 1455, 1456a, **1456b**, and 1456c)

**11.420 Coastal Zone Management Estuarine Research Reserves** (Coastal Zone Management Act Amendments of 1987, Section 315, 16 U.S.C. 1461)

**11.427 Fisheries Development and Utilization Research & Development Grants & Coop Agreements** (Saltonstall-Kennedy Act, as amended, 15 U.S.C. 713c-3 ))

**11.463 Habitat Conservation** (Fish and Wildlife Coordination Act of 1956, 16 U.S.C. 661; Coastal Wetlands Planning, Protection, and Restoration Act, 16 U.S.C. 3951; 33 U.S.C. 1901; Department of Commerce Appropriation Act of 1995)

**11.550 Public Telecommunications Facilities- Planning and Construction** (Communications Act of 1934, Title 111, Part IV, as amended, 47 U.S.C. 390-394, 397-399 (b),@ Department of Commerce Appropriation Act of 1998, Public Law 105-119)

## **Department of Defense**

**12.100 Aquatic Plant Control**, 33 U.S.C. 610

**12.101 Beach Erosion Control Projects** (Rivers and Harbors Act of 1962, Section 103, as amended, 33 U.S.C. 426e-g)

**12.104 Flood Plain Management Services** (Flood Control Act of 1960, Section 206, as amended, 33 U.S.C. 709a)

**12.105 Protection of Essential Highways, Highway Bridge Approaches, and Public Works** (Flood Control Act of 1946, Section 14, 33 U.S.C. 701r, as amended)

**12.106 Flood Control Projects** (Flood Control Act of 1948, Section 205, as amended, 33 U.S.C. 701s)

**12.107 Navigation Projects** (Rivers and Harbors Act of 1960, Section 107, as amended, 33 U.S.C. 577)

**12.108 Snagging and Clearing for Flood Control** (Flood Control Act of 1937, Section 2, as amended, 33 U.S.C. 701g)

**12.109 Protecting, Clearing, and Straightening Channels** (Rivers and Harbors Act of 1945, Section 3, as amended, 33 U.S.C. 603a)

**12.110 Planning Assistance to States** (Water Resources Development Act of 1974, Section 22, as amended, 42 U.S.C. 1962d-16)

**12.610 Joint Land Use Studies** (Defense Authorization Act, 10 U.S.C. 2391)

**12.613 Growth Management Planning Assistance** (Defense Authorization Act, 10 U.S.C. 2391)

## **Department of Housing and Urban Development** (Sections refer to the National Housing Act)

**14.151 Supplemental Loan Insurance- Multifamily Rental Housing** (Sec.241) 12 U.S.C. 1715z-6

- 14.157 Supportive Housing for the Elderly** (See.202) 12 U.S.C. 1701q, 42 U.S.C. 12701
- 14.181 Supportive Housing for Persons with Disabilities** (Sec.811) 42 U.S.C. 8013
- 14.218 Community Development Block Grants/ Entitlement Grants** (Housing and Community Development Act of 1974.,Title 1, as amended, 42 U. S.C. 5301-5317)
- 14.219 Community Development Block Grants/ Small Cities Grants** (Housing and Community Development Act of 1974, Title I, as amended, 42 U. S.C. 5301-5317)
- 14.231 Emergency Shelter Grants Program** (Stewart B McKinney Homeless Assistance Act of 1987, Title IV, as amended, 42 U.S.C. 11 371-78)
- 14.246 Community Development Block Grants/ Economic Development Initiative** (Housing and Community Development Act of 1974, Sec.1 08(q), as amended, 42 U.S.C. 5308(q))
- 14.248 Community Development Block Grants/ Section 108 Loan Guarantees** (Housing and Community Development Act of 1974, Sec. 1 08, as amended, 42. U.S.C. 5308)
- 14.850 Public and Indian Housing** (Housing Act of 1937, as amended, 42 U.S.C. 1439)
- 14.852 Public Housing- Comprehensive Improvement Assistance Program** (Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq.)
- 14.866 Revitalization of Severely Distressed Public Housing** (HUD Appropriations Act of 1993, Public Law 102-389)

#### **Department of the Interior**

- 15.606 Sport Fish Restoration** (Federal Aid in Sportfish Restoration Act of 1950, as amended, 16 U.S.C. 777-777k)
- 15.611 Wildlife Restoration** (Federal Aid in Wildlife Restoration Act of 1937, as amended, 16 U.S.C. 669-669b, 669-6691 )
- 15.614 Coastal Wetlands Planning, Protection, and Restoration Act** (Coastal Wetlands Planning, Protection, and Restoration Act, Section 305, Title 111, 16 U.S.C. 3954)
- 15.615 Cooperative Endangered Species Conservation Fund** (Endangered Species Act of 1973, as amended, 16 U.S.C. 1531)
- 15.616 Clean Vessel Act Pumpout Grant Program** (Clean Vessel Act of 1992, Section 5604, 33 U.S.A.,**1322**, note, and 16 U.S.C. 777c and 777g ) **Wildlife Conservation and Appreciation** (Partnerships for Wildlife Act, Title VII, Sec.7105(g), 16 U.S.C. 3744(g))
- 15.904 Historic Preservation Fund Grants-in-Aid** (National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470)
- 15.916 Outdoor Recreation- Acquisition, Development, and Planning** (16 U.S.C. 1-4; Land and Water Conservation Fund Act of 1965, 16 U.S.C. 460d, 4601-4 to 4601-1 1, as amended)
- 15.919 Urban Park and Recreation Recovery Program** (Urban Park and Recreation Recovery Act of 1978, Title 1, 16 U.S.C. 2501-2514)

#### **Department of Transportation**

- 20.005 Boating Safety Financial Assistance**, 46 U.S.C. 1310.1-131 1 0
- 20.006 State Access to the Oil Spill Liability Trust Fund** (Oil Pollution Act of 1990, Sec.1 01 2(d)(1), 33 U.S.C. 2712(d)(1))
- 20.007 Bridge Alteration** (River and Harbor Act of 1899, Section 18, 33 U.S.C. 502; Bridge Act of 1906, Sections 4 and 5, 33 U.S.C. 494-5; Act of June 21 1940, as amended; Truman- Hobbs Act, 33 U.S.C. 511-23)
- 20.106 Airport Improvement Program** (Public Law 103-272)
- 20.205 Highway Planning and Construction**, 23 U.S.C.
- 20.219 Recreational Trails Program** (Transportation Equity Act for the 21st Century, Sec. 1101(a)(7); 23 U.S.C. 104(h); 23 U.S.C. 206)
- 20.308 Local Rail Freight Assistance** (Department of Transportation Act of 1966, Section 5, 49 U.S.C. 22103, 22104; Rail Revitalization and Regulatory Reform Act of 1976, Title VIII, Section 803, 49 U.S.C. 22101-22108; Loceil Rail Service Assistance Act of 1978, Title 1, 49 U.S.C. 22101-22108; Omnibus Budget Reconciliation Act of

1981, as amended, Title XI, Subtitle G, Public Law 97-35; Local Rail Service Reauthorizing Act, 45 U.S.C. **1321**, and 49 U.S.C. 22101- 22108)

**20.500 Federal Transit Capital Improvement Grants**, 49 U.S.C.5309

**20.505 Federal Transit Technical Studies Grants**, 49 U.S.C. 5303

**20.507 Federal Transit Capital and Operating Assistance Formula Grants**, 49 U.S.C. 5307

**20.509 Public Transportation for Nonurbanized Areas**, 49 U.S.C. 5311

**20.513 Capital Assistance Program for Elderly Persons and Persons with Disabilities**, 49 U.S.C. 5310

**20.514 Transit Planning and Research**, 49 U.S.C. 5314(a)

**20.600 State and Community Highway Safety** (Highway Safety Act of 1966, as amended, 23 U.S.C. 401

**20.801 Development and Promotion of Ports and Intermodal Transportation** (Merchant Marine Act of 1920, Section 8, as amended, 46 U.S.C. 867; Merchant Marine Act of 1936, Sections 209 and 212, as amended, 46 U.S.C. 1119, 1122; Section 2, Public Law 96-371; Defense Production Act of 1950, as amended, 50 Appx. U.S.C. 2061, 2062, 2071-2073, 2081, 2091- 2094, 2101-2110, 2121-2123, **2131-21357** 2151-2166; Executive Order 10480; Executive Order 12656

#### **National Foundation of the Arts and the Humanities**

**45.025 Promotion of the Arts- Partnership Agreements** (National Foundation on the Arts and the Humanities Act of 1965, as amended, 20 U.S.C. 951)

#### **Department of Veteran Affairs**

**64.005 Grants to States for Construction of State Home Facilities**, 38 U.S.C. 8131-8137

**64.201 National Cemeteries** (National Cemeteries Act of 1973, 38 U.S.C. 2306, 2402-2404, 5303A)

**64.203 State Cemetery Grants** (Veterans Housing Benefits Act of 1978, Section 202, as amended, 38 U.S.C. 2408)

#### **Environmental Protection Agency (EPA)**

**66.001 Air Pollution Control Program Support** (Clean Air Act of 1977, Section **105**, as amended, Clean Air Act Amendments of 1990, 42 U.S.C. 7405)

**66.419 Water Pollution Control- State and Interstate Program Support** (Clean Water Act, Section 106, as amended, 33 U.S.C. 1256)

**66.432 State Public Water System Supervision** (Public Health Service Act, as amended, 42 U.S.C. 201; Safe Drinking Water Act, as amended, 42 U.S.C. 300f)

**66.433 State Underground Water Source Protection** (Safe Drinking Water Act, as amended, 42 U.S.C. 300@)

**66.454 Water Quality Management Planning** (Clean Water Act, Sections 2050) and 604(b), as amended, Water-Quality Act of 1987, 33 U.S.C. 12850) and 33 U.S.C. 1384(b))

**66.456 National Estuary Program** (Clean Water Act, Section 320, as amended, 33 U.S.C. 1330)

**66.458 Capitalization Grants for State Revolving Funds** (Clean Water Act, as amended, Water Quality Act of 1987, Sections 601-607, 205(m), 33 U.S.C. 1381-1387, 33 U.S.C. 1285 (m))

**66.460 Non-Point Source Implementation Grants** (Clean Water Act, Section 319(h), 33 U.S.C. 1329(h))

**66.461 Wetlands Protection Development Grants** (Clean Water Act, Section 104(b)(3), as amended, 33 U.S.C. 1254(b)(3))

**66.463 National Pollutant Discharge Elimination System (NPDES) Related State Program Grants** (Clean Water Act, Section 104(b)(3), as amended, 33 U.S.C. 1254(b)(3))

**66.468 Capitalization Grants for Drinking Water State Revolving Fund** (Safe Drinking Water Act Amendments of 1996, Section 130, 42 U.S.C. 300 j-1 2)

**66.469 Great Lakes Program** (Clean Water Act, Sections 104 and 118, 33 U.S.C. 1254, 33 USC1268)

**66.500 Environmental Protection- Consolidated Research** (Clean Air Act of 1963, as amended, 42 U.S.C. 7401; Clean Water Act, as amended, 33 U.S.C. 1251; Solid Waste Disposal Act, Section 8001, as amended, Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901; Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f; Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136; Toxic

Substances Control Act, as amended, 15 U.S.C. 2601; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. 9601)

**66.600 Environmental Protection Consolidated Grants- Program Support** (Clean Air Act of 1963, as amended, 42 U.S.C. 7401; Clean Water Act, as amended, Water Quality Act of 1987, 33 U.S.C. 1251; Solid Waste Disposal Act, as amended, Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901; Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136; Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f)

**66.700 Consolidated Pesticide Enforcement Cooperative Agreements** (Federal Insecticide, Fungicide, and Rodenticide Act, Section 23, as amended, 7 U.S.C. 136u)

**66.701 Toxic Substances Compliance Monitoring Cooperative Agreements** (Toxic Substances Control Act, Sections 28 and 404(g), as amended, 15 U.S.C. 2627 and 2684(g))

**66.708 Pollution Prevention Grants Program** (Pollution Prevention Act of 1990, Section 6605, 42 U.S.C. 13104)

**66.801 Hazardous Waste Management State Program Support** (Solid Waste Disposal Act, Section 3011, as amended, Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6931)

**66.802 Superfund State Site-Specific Cooperative Agreements** (Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, Section 104, as amended, Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, 42 U.S.C. 9604)

**66.804 State Underground Storage Tanks Program** (Solid Waste Disposal Act, Section 2007(@)(2), as amended, and Section 8001(a); Resource Conservation and Recovery Act (RCRA) of 1976, as amended, Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. 6901 et seq.)

**66.805 Leaking Underground Storage Tank Trust Fund Program** (Solid Waste Disposal Act, Section 9003(h)(7), as amended; Section 8001 (a); Resource Conservation and Recovery Act (RCRA) of 1976, as amended, 42 U.S.C. 6901 et seq.; Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, 42 U.S.C. 9601 et seq.)

**66.807 Superfund Innovative Technology Evaluation Program (SITE)** (Comprehensive Environmental Response, Compensation, & Liability Act (CERCLA) of 1980, Sec 311 (b), as amended, Superfund Amendments Reauthorization Act of 1986, as amended, 42 U.S.C. 9660(b))

**66.808 Solid Waste Management Assistance** (Solid Waste Disposal Act, Section 8001 . as amended, Resource Conservation and Recovery Act (RCRA) of 1976, as amended, 42 U.S.C. 6981)

**66.809 Superfund State Core Program Cooperative Agreements** (CERCLA, as amended., 42 U.S.C. 9601)

**66.810 CEPP Technical Assistance Grants Program** (Clean Air Act, Secs. 103(b)(3), 112(L)(4), 42 U.S.C. 7403(b)(3), 7412(L)(4); Toxic Substances Control Act, Secs. 10(a), 28(d), 15 U.S.C. 2609(a), 2627(d))

## **Department of Energy (DOE)**

**81.041 State Energy Program** (Energy Policy and Conservation Act, Title 111, Sections 361 -366, Part C, 42 U.S.C. 6321-6326; Dept. of Energy Organization Act of 1977, as amended, 42 U.S.C. 7101; National Energy Conservation Policy Act of 1978, Public Law 95-619, Public Law 101 -440-1 Balanced Budget Down Payment Act 11 of 1996, Public Law 104-134)

**81.049 Office of Energy Research Financial Assistance Program** (Atomic Energy Act of 1954, as amended, Section 31, 42 U.S.C. 2051; Energy Reorganization Act of 1974, Section 107, 42 U.S.C. 5817; Federal Non-nuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5901; Dept. of Energy Organization Act of 1977, as amended, 42 U.S.C. 7101)

## **Federal Emergency Management Agency (FEMA)**

**83.505 State Disaster Preparedness Grants**

**83.534 Emergency Management- State and Local Assistance** (Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, Stafford Act, Title VI, Sections 611 and 613, as amended, 42 U.S.C. 5196 and 5196b)

**83.536 Flood Mitigation Assistance** (National Flood Insurance Reform Act of 1994, Title V, Sections 553 and 554, 42 U.S.C. 4104c, 4104d, 4017)

**83.543 Individual and Family Grants** (Robert T. Stafford Disaster Relief and Emergency Assistance Act, Section 411, as amended, 42 U.S.C. 5178)

**83.644 Public Assistance Grants** (Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121; Executive Order 12148, as amended, Reorganization Plan No. 3, 1978)

**Department of Health and Human Services (HHS)**

**93.887 Project Grants for Renovation or Construction of Non-Acute Health Care Facilities** (Public Health Service Act, Section 1610 (b), 42 U.S.C. 300r (b))



**SECTION 6**

**OTHER ENVIRONMENTAL ISSUES**

**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Other Environmental Issues and is intended to supplement the U.S. TEAM Guide. The Virgin Islands currently has no regulations in this area. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**OTHER ENVIRONMENTAL ISSUES  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                         |            |
|-------------------------|------------|
| The NEPA Process        |            |
| Missing Checklist Items | O1.2.1.VI. |
| Environmental Noise     |            |
| Missing Checklist Items | O2.2.1.VI. |
| CERCLA Cleanup Sites    |            |
| Missing Checklist Items | O3.2.1.VI. |
| Pollution Prevention    |            |
| Missing Checklist Items | O4.2.1.VI. |
| Program Management      |            |
| Missing Checklist Items | O5.2.1.VI. |

**COMPLIANCE CATEGORY:**  
**OTHER ENVIRONMENTAL ISSUES**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|--|---|
| <p><b>THE NEPA PROCESS</b></p> <p><b>O1.2.</b><br/> <b>Missing Checklist Items</b></p> <p><b>O1.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of findings).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:</b><br><b>OTHER ENVIRONMENTAL ISSUES</b><br><b>Virgin Islands Supplement</b>  |  |
|---|--|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>   |
| <b>ENVIRONMENTAL<br/>NOISE</b><br><br><b>O2.2.</b><br><b>Missing Checklist<br/>Items</b><br><br><b>O2.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings). | Determine whether any new regulations have been issued since the finalization of the manual.<br><br>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.<br><br>Verify that the Federal facility is in compliance with all applicable and newly issued regulations. |

| <b>COMPLIANCE CATEGORY:</b><br><b>OTHER ENVIRONMENTAL ISSUES</b><br><b>Virgin Islands Supplement</b>   |  |
|--|--|
| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>   |
| <b>CERCLA CLEANUP<br/>SITES</b><br><br><b>O3.2.</b><br><b>Missing Checklist<br/>Items</b><br><br><b>O3.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings). | Determine whether any new regulations have been issued since the finalization of the manual.<br><br>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.<br><br>Verify that the Federal facility is in compliance with all applicable and newly issued regulations. |

| <b>COMPLIANCE CATEGORY:</b><br><b>OTHER ENVIRONMENTAL ISSUES</b><br><b>Virgin Islands Supplement</b>  |   |
|---|---|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
| <b>POLLUTION<br/>PREVENTION</b><br><br><b>O4.2.</b><br><b>Missing Checklist</b><br><b>Items</b><br><br><b>O4.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of findings). | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:</b><br><b>OTHER ENVIRONMENTAL ISSUES</b><br><b>Virgin Islands Supplement</b>   |   |
|--|---|
| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
| <p><b>PROGRAM<br/>MANAGEMENT</b></p> <p><b>O5.2.</b><br/><b>Missing Checklist<br/>Items</b></p> <p><b>O5.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |



## SECTION 7

### PESTICIDE MANAGEMENT

#### **Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Pesticide Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

#### **Definitions**

- *Agricultural Commodity* - any plant, or part thereof, or animal or animal product, produced by any person, primarily for sale, consumption, propagation or for any other use by man or animals (Code of Virgin Islands Rules, Title 12, Chapter 19, Subchapter 802 (CVIR 12-802) [Citation Revised January 2009]).
- *Certification* - the recognition granted by the Commissioner assuring that an individual is competent and is, thus, authorized to use or supervise the use of restricted use pesticides ( CVIR 12-802) [ Citation Revised January 2009].
- *Certified Applicator* - any individual certified under the Act and this chapter as authorized to use or supervise the use of any pesticide classified for restricted use, covered by his certification ( CVIR 12-802) [Citation Revised January 2009].
- *Commercial Applicator* - a certified applicator, whether or not he is private applicator with respect to some uses, who uses or supervises the use of any pesticides classified for restricted use for any purpose or on any property, and which is not covered by the definition of the term "private applicator" (CVIR 12-802) [Citation Revised January 2009].
- *Commissioner* - the Commissioner of the Department of Conservation and Cultural Affairs or his authorized representative (CVIR 12-802) [Citation Revised January 2009].
- *Department* - the Department of Conservation and Cultural Affairs (CVIR 12-802) [Citation Revised January 2009].
- *Environment* - water, air, land and plants as well as man and animals living therein, and the inter-relationships which exist among them (CVIR 12-802) [Citation Revised January 2009].
- *Non-target Organism* - a plant or animal other than the one against which the pesticide is applied (CVIR 12-802) [Citation Revised January 2009].
- *Ornamental* - trees, shrubs, or other plantings located generally, but not necessarily, in urban and suburban areas, including residences, parks, streets, commercial outlets, and industrial and institutional buildings (CVIR 12-802) [Citation Revised January 2009].
- *Person* - any individual, partnership, association, corporation, or any other organized group of persons, whether incorporated or not (CVIR 12-802) [Citation Revised January 2009].
- *Private Applicator* - a certified applicator who uses or supervises the use of any pesticide classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer; or on the property of another person, if it is applied without compensation other than trading of

personal services between producers of agricultural commodities (CVIR 12-802) [Citation Revised January 2009].

- *Restricted Use Pesticide* - a pesticide classified for restricted use by the Environmental Protection Agency of the United States and the Department, under the Federal Insecticide, Fungicide and Rodenticide Act as amended, and under [12 V.I.C. § 801 et seq.] and this chapter (CVIR 12-802) [Citation Revised January 2009].
- *Under The Direct Supervision Of* - the act or process whereby a pesticide is applied by a competent individual acting under the instructions and control of a certified applicator, who is responsible for the actions of that first individual and who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is being applied (CVIR 12-802) [Citation Revised January 2009].
- *Virgin Islands* - the Territory of the U.S. Virgin Islands (CVIR 12-802) [Citation Revised January 2009].

**PESTICIDE MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                         |             |
|-------------------------|-------------|
| Missing Checklist Items | PM.2.1.VI.  |
| Pesticide Applicators   | PM.5.1.VI.  |
| Pesticide Application   |             |
| Equipment               | [Deleted]   |
| Documentation           | PM.40.1.VI. |

**PESTICIDE MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS APPENDIX USERS**

**REFER TO APPENDIX NUMBERS:**

**REFER TO APPENDIX TITLES:**

|     |                             |
|-----|-----------------------------|
| 7-1 | Categories of Certification |
|-----|-----------------------------|

| <b>COMPLIANCE CATEGORY:<br/>PESTICIDE MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
|---|---|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>PM.2.</b><br><br><b>MISSING CHECKLIST<br/>ITEMS</b><br><br><b>PM.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding). | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:<br/>PESTICIDE MANAGEMENT<br/>Virgin Islands Supplement</b>   |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <b>PM.5.</b><br><br><b>PESTICIDE<br/>APPLICATORS</b><br><br><b>PM.5.1.VI.</b> Persons who apply restricted use pesticides must have a n a applicator certificate ( CVIR 1 2-827(a) and ( b)) [Citation R evised January 2009]. | Verify that person who engages i n t he co mmercial o r p rivate ap plication o f pesticides is certified by the Commissioner.<br><br>( NOTE: N o certification is valid unless the certified person also holds a valid identification card issued by the Commissioner.)<br><br>( NOTE: The provisions of this chapter relating to registration and certification do not apply to:<br><ul style="list-style-type: none"> <li>- residential application of pesticides</li> <li>- private application of a general use pesticide.)</li></ul> |

| <b>COMPLIANCE CATEGORY:<br/>PESTICIDE MANAGEMENT<br/>Virgin Islands Supplement</b> |  |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b> |  |
| <b>PESTICIDE APPLICATION</b>   |  |  |
| <b>PM.15.</b><br><b>Equipment</b>  |  |  |
| <b>PM.15.1.VI.</b><br>January 2009].   | [Deleted                                 | (NOTE: Requirement not found in new version of pesticide regulations found at Title 12, Chapter 19 of the Code of Virgin Islands Regulations). |
| <b>PM.15.2.VI.</b><br>January 2009].   | [Deleted                                 | (NOTE: Requirement not found in new version of pesticide regulations found at Title 12, Chapter 19 of the Code of Virgin Islands Regulations). |

| <b>COMPLIANCE CATEGORY:<br/>PESTICIDE MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>PESTICIDE<br/>APPLICATION</b> <p><b>PM.40.</b><br/><b>Documentation</b></p> <p><b>PM.40.1.VI.</b> Commercial pesticide applicators must maintain specific records (CVIR 1-2-836(a)) [Revised January 2009].</p> | <p>Verify that all commercial applicators maintain pesticide use records for each pesticide application containing the following:</p> <ul style="list-style-type: none"> <li>- EPA registration number</li> <li>- product name</li> <li>- quantity of each pesticide used</li> <li>- date applied</li> <li>- location of application by address (including five-digit zip code).</li> </ul> <p>Verify that such records are maintained for a period of not less than three years.</p> <p>Verify that all commercial applicators file an annual report containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year.</p> <p>Verify that all commercial applicators also maintain corresponding records of the dosage rates, methods of application and target organisms for each pesticide application.</p> <p>Verify that these records are maintained on an annual basis and retained for a period of not less than three years and shall be available for inspection upon request by the department.</p> |

## **Appendix 7-1**

### **Categories of Certification**

(Source: CVIR 12-8022)

[Deleted January 2009]

**SECTION 8**

**PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT**

**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for POL Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**Definitions**

- *Discharge* - any spilling, leaking, seeping, pouring, emitting, emptying or dumping (Virgin Islands Code, Title 12, Section 703 (VIC 12-703)).
- *Pollution* - the presence in the outdoor atmosphere or waters of the territory of any one (1) or more substances or pollutants, in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation (VIC 12-703).

**PETROLEUM, OIL AND LUBRICANT (POL) MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

Missing Checklist Items

PO.2.1.VI.

Discharges/Spills

PO.15.1.VI. and PO.15.2.VI.

Used Oil

NOTE: The standards for the management of used oil are according to Title 40, Code of Federal Regulations, Part 279 (Code of Virgin Islands Regulations Title 19, Subchapter 1560, Section 503).

**COMPLIANCE CATEGORY:**  
**PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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| <p><b>PO.2.</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>PO.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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| <p><b>PO.15.</b></p> <p><b>DISCHARGES/SPILLS</b></p> <p><b>PO.15.1.VI.</b> Discharges of oil, petroleum or their by-products onto waters or adjoining lands are prohibited (VIC 12-704).</p> <p><b>PO.15.2.VI.</b> Prohibited discharges must be removed immediately (VIC 12-709).</p> | <p>Verify that there is no discharge of oil, petroleum products or their by-products onto coastal waters, estuaries, tidal flats, beaches or land adjoining the seacoast of the territory.</p> <p>Verify that any person responsible for a discharge (see PO.15.1.VI.) immediately undertakes to remove the discharge to the Department's satisfaction.</p> |

## SECTION 9

### SOLID WASTE MANAGEMENT

#### **Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Solid Waste Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

#### **Definitions**

- *Approved Refuse Container or Waste Container* - a receptacle approved by the Commissioner for storage of designated types of wastes prior to collection for disposal (CVIR 19-1560-1).
- *CFR* - Code of Federal Regulations, pertinent copies of which shall be available for public perusal at the Departments of Public Works and Conservation and Cultural Affairs (CVIR 19-1560-1).
- *Disposal Area* - any site, location, tract of land, area, building, structure or premises used or intended to be used for refuse disposal (CVIR 19-1404-51).
- *Disposal Site* - any sanitary landfill, incinerator, baling or resource recovery facility or any other site authorized and designated by the Commissioner as the final resting place of solid or hazardous wastes (CVIR 19-1560-1).
- *Garbage* - any putrescible animal, vegetable or fruit material, including waste resulting from handling, preparation, cooking or consumption of food and any body waste or parts of domestic animals (CVIR 19-1560-1).
- *Hazardous Waste* - a solid waste, or combination of solid wastes which, because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or managed (CVIR 19-1560-1).
- *Open Burning* - the combustion of solid waste without (1) control of combustion air, (2) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and (3) control of the emission of the combustion products (CVIR 19-1560-1).
- *Person* - any individual, family, trust, firm, joint stock company, corporation, partnership, association, commission, political subdivision or local or federal government department or agency, including independent instrumentalities thereof (CVIR 19-1560-1).
- *Private Scavenger* - a refuse collector who engages in the business of collection and transportation and/or disposal of refuse by specific hire or contract with another individual, firm, corporation, public agency or institution and does not include a public agency responsible by law for the collection of refuse in any given jurisdiction (CVIR 19-1404-51).
- *Private Waste Collector* - a waste collector who engages in the business of collection and transportation of waste to a disposal area by specific hire or contract with another person, and does not mean a public agency responsible by law for the collection of waste (CVIR 19-1560-1).

- *Refuse* - all solid wastes of a community, including garbage, ashes, rubbish, dead animals, street cleanings, and solid market, and industrial wastes, but not including body wastes (CVIR 19-1404-51).
- *Refuse Collection* - the process whereby refuse and/or refuse containers containing refuse are taken from designated locations on any premises and are loaded into vehicles of any kind intended to transport from the premises to a disposal area, and whereby empty containers are returned to such designated location (CVIR 19-1404-51).
- *Refuse Collector* - the person, firm, agency, or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of refuse, including garbage, swell, rubbish, waste matter, or manure in any part of the area of jurisdiction (CVIR 19-1404-51).
- *Refuse Container* - any can, bucket, pail, box, bin, sack, basket, carton, hopper, crate or article constructed, built, purchased, installed or used for the purpose of holding an accumulation of refuse, or one or more of its component parts pending collection and/or disposal (CVIR 19-1404-51).
- *Refuse Disposal* - the complete process required for the disposal of any refuse and shall include all tools, equipment, treatment space, buildings, structures, appurtenances and materials required to take refuse from a refuse collector at the premises line or other designated transfer point of a disposal area, and bury, burn, destroy or otherwise dispose of such refuse (CVIR 19-1404-51).
- *Salvage Operation* - any operation carried on by a person, or agent or employee of such person for the express purpose of reclaiming a portion of a substance, material, or goods purchased originally by such person for use without salvage, sorting or segregation which has been damaged, retained, or deemed unfit for the original purpose intended but is not yet classed as refuse (CVIR 19-1404-51).
- *Sludge* - any solid, semisolid or liquid waste generated from a territorial, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects (CVIR 19-1560-1).
- *Solid Waste* - any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) (CVIR 19-1560-1).
- *Solid Waste Planner* - the position established in the Department of Public Works by the provisions of Title 19, section 1553(b), Virgin Islands Code, and also includes the position of Assistant Solid Waste Planner for St. Croix (CVIR 19-1560-1).
- *Special Waste* - any solid waste which is designated as such and regulated in this chapter (CVIR 19-1560-1).
- *Storage Container* - a large metal or concrete container or bin (CVIR 19-1560-1).
- *Storage Facility* - a site or facility or transfer station for the storage of wastes, other than storage containers or waste containers, prior to salvage, reuse or recovery, or transportation for salvage, reuse or recovery (CVIR 19-1560-1).
- *Transportation Of Refuse* - that portion of the refuse disposal operation which provided for the hauling of refuse in bulk or in refuse containers to the designated transfer point at a disposal area (CVIR 19-1404-51).

- *Transportation of Waste* - that portion of the waste disposal procedure which is provided for the hauling of waste in bulk or in waste containers to a designated transfer point or disposal site (CVIR 19-1560-1).
- *Treatment* - any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste or special waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume (CVIR 19-1560-1).
- *Underground Drinking Water* - any aquifer supplying drinking water for human consumption or an aquifer in which the groundwater contains less than 10,000 mg/L total dissolved solids (CVIR 19-1560-1).
- *Used Oil (Waste Oil)* - destined for recycling, is designated as a special solid waste and means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of being used, has been contaminated with physical or chemical impurities (CVIR 19-1560-1).
- *Waste* - when unqualified, means solid waste and/or hazardous waste (CVIR 19-1560-1).
- *Waste Collection* - the procedure whereby waste and/or waste containers containing waste are taken from designated locations and loaded into or onto vehicles for transport to a disposal area, and empty containers are left at or returned to such designated locations (CVIR 19-1560-1).
- *Waste Collector* - the person, firm, agency or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of waste (CVIR 19-1560-1).
- *Waste Disposal* - the entire procedure required for the disposal of wastes and includes all tools, equipment, treatment space, buildings, structures, appurtenances and materials required to take waste from a waste collector and bury, burn, process, destroy or by other approved means dispose of same (CVIR 19-1560-1).

**SOLID WASTE MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                                   |                                 |
|-----------------------------------|---------------------------------|
| Missing Checklist Items           | SO.2.1.VI.                      |
| State-Specific Requirements       |                                 |
| General                           | SO.5.1.VI. through SO.5.3.VI.   |
| Permits/Notifications/Exemptions  | SO.6.1.VI.                      |
| Operations                        | SO.8.1.VI. through SO.8.3.VI.   |
| Specific Wastes                   | SO.9.1.VI.                      |
| Storage/Collection of Solid Waste | SO.10.1.VI. through SO.10.3.VI. |
| Transportation                    | SO.20.1.VI.                     |
| Resource Recovery Facilities      | SO.95.1.VI.                     |
| Landfills                         | SO.135.1.VI.                    |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>SO.2.</b><br><br><b>MISSING CHECKLIST<br/>ITEMS</b><br><br><b>SO.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding). | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>STATE-SPECIFIC REQUIREMENTS</b><br><br><b>SO.5. General</b><br><br><b>SO.5.1.VI.</b> Solid waste must be disposed of only at approved, permitted disposal sites (CVIR 19-1560-300(a)).<br><br><b>SO.5.2.VI.</b> Littering is prohibited ( CVIR 19 -1560-2(b)).<br><br><b>SO.5.3.VI.</b> Scavenging is prohibited ( CVIR 19 -1560-2(p)).<br><br> | Verify that all solid waste is disposed of only at publicly or privately operated disposal sites duly approved and for which permits have been issued by the Department of Conservation and Cultural Affairs.<br><br>Verify that no waste of any kind, or any dead animal or decomposable matter, is left in any public place, other than in an approved waste or storage container.<br><br>Verify that there is no scavenging.<br><small>(NOTE: For purposes of this checklist item, "scavenging" means the uncontrolled or unauthorized removal of materials from wastes deposited in any waste or storage container or authorized storage, disposal, salvage or resource recovery facility. Scavenging does not mean removal of reusable material from such a facility by authorized personnel of such a facility or by individuals with written permission from the Solid Waste Planner.)</small> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>  |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <p><b>STATE-SPECIFIC<br/>REQUIREMENTS</b></p> <p><b>SO.6.</b><br/><b>Permits/ Notifications/<br/>Exemptions</b></p> <p><b>SO.6.1.VI.</b> Refuse collection services and disposal areas must meet permitting requirements (CVIR 19-1404-52).</p> | <p>Verify that every refuse collection service and/or disposal area holds an unrevoked permit from the Health Department.</p> <p>(NOTE: An industrial, commercial or business establishment operating its own collection service entirely for its own benefit and for no other establishment, and disposing of refuse so collected at a public disposal area need not have an operating permit, so long as it:</p> <ul style="list-style-type: none"> <li>- registers the service with the Health Department</li> <li>- complies with all sanitary requirements for collection and transportation of refuse.)</li> </ul> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |  |
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| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <b>STATE-SPECIFIC REQUIREMENTS</b> <p><b>SO.8. Operations</b></p> <p><b>SO.8.1.VI.</b> Public dumps must meet specific operating requirements (CVIR 19-1404-66 and 19-1560-300(e)).</p> <p><b>SO.8.2.VI.</b> Waste or waste containers must not be burned (CVIR 19-1560-2(l)).</p> <p><b>SO.8.3.VI.</b> Disposal sites must not contribute to a contamination of drinking water sources (CVIR 19-1560-2(o)).</p> | <p>Verify that any person who uses any land as a public dump provides for the covering or incineration of all animal and vegetable matter deposited, and for the disposition of other waste materials and rubbish in a manner not to create offensive odors, breeding places for insects or rodents, or dissemination of dust or fires.</p> <p>Verify that operators of disposal sites provide:</p> <ul style="list-style-type: none"> <li>- adequate earth-moving equipment, properly maintained</li> <li>- periodic grading, as necessary, to maintain proper drainage</li> <li>- prompt revegetation of completed portions of the landfill</li> <li>- maintenance of site boundaries within limits to be determined by the permitting agency after review of the application</li> <li>- that any deviation or modification in the original application plan for the site is approved by the permitting agency</li> <li>- a scale for weighing waste collection and disposal vehicles</li> <li>- any other requirements that may reasonably be established by the permitting agency or stated in 40 CFR Parts 257, 264 and 265.</li> </ul> <p>Verify that no fires are set on any public or private waste or storage container or any portion of a disposal area.</p> <p>Verify that no waste is set on fire without specific written authorization from the Commissioner of Conservation and Cultural Affairs.</p> <p>Verify that disposal sites do not contaminate surface water or an underground drinking water source beyond the solid waste boundary.</p> <p>(NOTE: This prohibition will be enforced for 30 yr after the closure of a waste disposal site.)</p> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>STATE-SPECIFIC<br/>REQUIREMENTS</b>   |   |
| <b>SO.9.<br/>Specific Wastes</b> <p><b>SO.9.1.VI.</b> Disposal of dead animals must meet specific requirements ( CVIR 19-1404-61).</p> | Verify that the carcasses of horses, donkeys, cattle and other large animals are buried, burned or dumped at sea outside of harbor limits.<br>Verify that the carcass of any dead animal not killed for food is removed and disposed of within 24 hours after death by burial, incineration or other method approved by the Commissioner of Health.<br>(NOTE: Carcasses of dogs, cats, and other small animals may be taken to the dump.) |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <p><b>SO.10.</b></p> <p><b>STORAGE/COLLECTION OF SOLID WASTE</b></p> <p><b>SO.10.1.VI.</b> Unhealthy accumulations o f waste ar e prohibited ( CVIR 19 -1404-53).</p> <p><b>SO.10.2.VI.</b> Trimmings, brush a nd weeds p laced outside of a container must be secured (CVIR 19-1404-60).</p> <p><b>SO.10.3.VI.</b> Storage of waste must meet s pecific requirements ( CVIR 19-1560-102).</p> | <p>Verify that there are no accumulations of garbage, rubbish, rags, tin cans, paper, empty barrels, boxes or any material which, because of its character, condition or i mproper s torage i nvite t he br eeding or c ollection of flies, mosquitoes, rodents, or which may in any other manner prejudice the public health.</p> <p>Verify that tree trimmings, brush and weeds placed for collection outside of a container ar e secured i n bundl es of c onvenient s ize a nd weight a nd do n ot exceed 4 ft in length.</p> <p>Verify that all waste is stored in approved waste containers.</p> <p>Verify that waste containers are kept securely covered except during filling and emptying.</p> <p>Verify t hat garbage i s d rained o f ex cess l iquid o r p laced w ithin a l eakproof plastic bag prior to placement in the waste container.</p> <p>Verify that liquid is not placed in waste containers.</p> <p>Verify that storage methods insure that there is no leakage or spillage of any waste during transfer from the waste container to the collection vehicle.</p> <p>Verify that waste and storage containers are kept as dry as practicable, set on a platform o r o ther d ry, well d rained ar ea an d p laced i n a l ocation eas ily accessible for collection.</p> <p>Verify t hat waste an d s torage co ntainers ar e s ecured ag ainst i ntrusion b y animals.</p> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <p><b>SO.20.</b></p> <p><b>TRANSPORTATION</b></p> <p><b>SO.20.1.VI.</b> Vehicles used to transport solid waste must meet specific standards (CVIR 12-1404-64).</p> | <p>Verify that every vehicle used for the transportation of refuse are owned and/or operated under the supervision of a person holding a unrevoked operating permit to transport refuse.</p> <p>Verify that every vehicle used for the transportation of refuse has a hauling body constructed of metal, or a metal lining on floor and all side walls.</p> <p>Verify that all joints in the hauling body are effectively closed and smooth so that no drippage or leakage of draining water or liquid or any debris can occur.</p> <p>Verify that every vehicle is provided with a means of covering the refuse to be hauled and of keeping such refuse securely within the hauling body.</p> <p>Verify that the hauling body is provided with a tight metal hood having adequate openings fitted with smoothly operating loading and unloading doors, or is provided with heavy tarpaulin or other canvas cover fitted with proper eyes, grommets and tie ropes and hooks whereby the cover can be held securely over the loaded refuse in a manner acceptable to the health department.</p> <p>Verify that every vehicle is kept well painted, clean and in good repair.</p> <p>Verify that every vehicle used for transporting refuse carries a legend on the side wall of the hauling body.</p> <p>Verify that the legend is painted on the body, or if the vehicle has other uses the legend is placed on a separate durable metal or wood plaque which shall be firmly fixed to the vehicle when used for refuse collection and transportation.</p> <p>Verify that no vehicle without permanent cover is loaded with garbage or swill to a level above the side wall height.</p> <p>Verify that no vehicle is loaded with rubbish, waste matter or junk in a manner which will permit material to swing off, fall out, or jar loose and fall to the ground while in motion.</p> <p>Verify that loose paper, trash and small materials are secured against any wind dispersal, jiggling, or jarring which will allow such material to blow or fall out of the vehicle.</p> <p>Verify that whenever vehicles are to be used for the transportation of containers holding garbage, swill, or waste matter, the containers so carried meet the</p> |

| <b>COMPLIANCE CATEGORY:</b><br><b>SOLID WASTE MANAGEMENT</b><br><b>Virgin Islands Supplement</b> |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b> |
|  | requirements for containers.                   |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>   |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <p><b>SO.95.</b></p> <p><b>RESOURCE RECOVERY FACILITIES</b></p> <p><b>SO.95.1.VI.</b> Resource recovery facilities or salvage operations must be permitted (CVIR 1 9-1560-400(a) and (b)).</p> | <p>Verify that a resource recovery facility or salvage operation has a joint permit from the Commissioner of Public Works and the Commissioner of Conservation and Cultural Affairs.</p> <p>(NOTE: For purposes of this checklist item:</p> <ul style="list-style-type: none"> <li>- "resource recovery facility" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse</li> <li>- "salvage operation" means any operation carried on by a person, or agent or employee of such person, for the express purpose of reclaiming or removing discarded reusable materials for commercial or other purposes.)</li> </ul> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
|---|---|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <p><b>SO.135.</b></p> <p><b>LANDFILLS</b></p> <p><b>SO.135.1.VI.</b> Landfills must meet minimum operating standards (CVIR 19-1560-301.10) [Citation Revised January 2009].</p> | <p>Verify that at sanitary landfills, the site is fenced, with a gate which is locked when the site is closed.</p> <p>Verify that operating hours are posted at the gate.</p> <p>Verify that, at a minimum, operating personnel are provided with adequate shelter, toilet and wash-up facilities, drinking water and telephone for emergency use.</p> <p>Verify that there is an adequate, suitable water supply for fire fighting and dust control.</p> <p>Verify that no pigs, goats, cattle, donkeys, dogs, chickens, peacocks or other domestic animals are permitted on the site.</p> <p>Verify that unloading of wastes is done in a clearly marked area with an attendant to direct the operation.</p> <p>Verify that sewage sludge and liquids and hazardous wastes are disposed of at the site only with permission of the permitting agency and in accordance with such guidelines, rules and regulations as are applicable, including 40 CFR Part 257.</p> <p>Verify that there is a separate unloading area for bulky items.</p> <p>Verify that there is no burning except with special permission for specific instances from the Commissioner of Conservation and Cultural Affairs.</p> <p>Verify that wastes are deposited in 2-ft layers or lifts and compacted.</p> <p>Verify that daily cover of at least 6 in. of compacted earth is placed over compacted waste unless otherwise approved.</p> <p>Verify that blowing dust and paper are controlled.</p> <p>Verify that paper and other loose material are cleaned up from the site at least weekly.</p> <p>Verify that salvaging or sorting of wastes is organized so as not to hamper orderly and prompt waste disposal or create nuisance or hazards.</p> |

| <b>COMPLIANCE CATEGORY:<br/>SOLID WASTE MANAGEMENT<br/>Virgin Islands Supplement</b> |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
|  | <p>Verify that when a landfill site or portion is completely filled:</p> <ul style="list-style-type: none"> <li>- it is covered with at least 6 in. of impermeable (permeability less than <math>1 \times 10^{-7}</math> cm/sec) material underlying at least 18 in. of soil capable of supporting vegetative growth</li> <li>- the vegetative cover in no way affects the integrity of the impermeable layer below</li> <li>- the site or area is then graded and revegetated in the manner previously approved.</li> </ul> |



**SECTION 10**  
**STORAGE TANK MANAGEMENT**

**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Storage Tank Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**STORAGE TANK MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|  |                                 |
|--|---------------------------------|
| Missing Checklist Items                  | ST.2.1.VI.                      |
| Emissions/Discharges From Vessel Storage | ST.20.1.VI.                     |
| Vessels                                  |                                 |
| UST - State Specific                     | ST.30.1.VI. through ST.30.5.VI. |
| UST Documentation                        | ST.90.1.VI. and ST.90.2.VI.     |
| Changes in Service or Closure of USTs    | ST.95.1.VI.                     |

**COMPLIANCE CATEGORY:**  
**STORAGE TANK MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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| <p><b>ST.2.</b></p> <p><b>MISSING CHECKLIST ITEMS</b></p> <p><b>ST.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in the checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of findings).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:<br/>STORAGE TANK MANAGEMENT<br/>Virgin Islands Supplement</b>   |  |
|---|--|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <p><b>ST.20.</b></p> <p><b>EMISSIONS/<br/>DISCHARGES FROM<br/>VOL STORAGE VESSELS</b></p> <p><b>ST.20.1.VI.</b> Storage tanks of volatile products must meet specific design and operating requirements (Code of Virgin Island Rules Title 1-2, Subchapter 204, Section 24 (CVIR 12-204-24)).</p> | <p>Verify that a stationary tank, reservoir, or other container of more than 65,000 gal capacity used to store any petroleum or volatile product or mixture of products having a vapor pressure of 2 lb/psia or greater under actual storage conditions, is either:</p> <ul style="list-style-type: none"> <li>- a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or</li> <li>- is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation: <ul style="list-style-type: none"> <li>- a floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall; and all tank gauging and sampling devices are gauged except when gauging or sampling is taking place</li> <li>- a vapor recovery system, consisting of a vapor-gathering system capable of collecting the hydrocarbon vapors or other gases discharged and vapor-disposal system capable of processing such hydrocarbon vapors or other gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gauged except when gauging or sampling is taking place.</li> </ul> </li> </ul> <p>(NOTE: A tank with floating roof may not be used for the storage of product with a vapor pressure or 12.0 lb/psia or greater under actual storage conditions.)</p> |

| <b>COMPLIANCE CATEGORY:<br/>STORAGE TANK MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>ST.30.</b><br><br><b>UST – STATE SPECIFIC</b><br><br><b>ST.30.1.VI.</b> USTs must be registered ( CVIR 12-16-655 and 12-16-656) [Added January 2004]. | <p>Verify that any person that owns or operates an UST system or intends to install an underground storage tank registers each tank with the Department on forms provided by the Department.</p> <p>Verify that any person that owned or operated an underground storage tank that was removed from the ground on or after May 8, 1986, or any owner or operator of a abandoned or non-operational UST system, has registered each tank by August 19, 2000.</p> <p>(NOTE: Underground storage tank registration issued by the Department is not transferable.)</p> <p>Verify that the owner or operator of an underground storage tank system notifies the Department of any change in ownership of either the tank or the property upon which the tank is located within 30 days after the contract date to date of closing.</p> <p>Verify that the owner or operator of an underground storage tank submits to the Department on a form provided by the Department any modification of any information provided pursuant to registration or renewal process within 30 days after the modification, which includes:</p> <ul style="list-style-type: none"> <li>- installation, removal or disabling of a monitoring system</li> <li>- substantial changes or renewal of connected piping or ancillary equipment</li> <li>- a change in the type of regulated substance stored in the underground storage tank</li> <li>- change of ownership.</li> </ul> |
| <b>ST.30.2.VI.</b> USTs must meet permit requirements ( CVIR 12-16-658) [Added January 2004].  | <p>Verify that, for any UST installed after August 19, 2000, the owner/operator has obtained a permit from the Commissioner prior to use or operation of the system.</p> <p>Verify that existing UST systems must comply with one of the following requirements by December 22, 1998, and may not be operated beyond that date without having been issued a permit by the Commissioner:</p> <ul style="list-style-type: none"> <li>- new UST system performance standards pursuant to the provision of section 657, subsection (b) of this chapter</li> <li>- tank upgrading requirements as specified by regulation, of which continued operation of the UST system shall be subject to the issuance of a permit by the Department</li> </ul>  |

| <b>COMPLIANCE CATEGORY:<br/>STORAGE TANK MANAGEMENT<br/>Virgin Islands Supplement</b>                               |  |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <b>ST.30.3.VI.</b> Existing USTs must meet upgrade or closure requirements ( CVIR 1 2-16-659) [Added January 2004]. | <ul style="list-style-type: none"> <li>- closure and corrective action requirements as provided by this chapter.</li> </ul> <p>Verify that all existing UST systems comply with one of the following requirements by December 22, 1998:</p> <ul style="list-style-type: none"> <li>- the new UST system performance standards</li> <li>- tank upgrading requirements</li> <li>- closure and corrective action requirements.</li> </ul> <p>Verify that existing USTs are not operated beyond December 22, 1998 without having been issued a permit by the Commissioner.</p>   |
| <b>ST.30.4.VI.</b> New USTs must meet location restrictions (CVIR 1 2-16-657) [Added January 2004].                 | <p>Verify that all UST systems installed after August 19, 2000 are located a distance not less than 100 feet from a water well or other source of groundwater.</p> <p>Verify that in areas where the water level is less than six (6) feet from the bottom of excavation for the installation of any UST system, a sheet of impermeable material is installed around the perimeter of the excavation.</p> <p>Verify that all underground storage tanks installed in areas of occasional high water tables are properly secured to prevent the tank from floating.</p> <p>Verify that no underground storage tank is installed below the water level of the area.</p> |
| <b>ST.30.5.VI.</b> UST workers must be certified ( CVIR 1 2-16-663) [Added January 2004].                           | <p>Verify that a person is certified by the Department if they design, install, retrofit, repair, maintain, conduct any type of tank testing or analysis, decommission, or temporarily or permanently close a UST system.</p>  |

| <b>COMPLIANCE CATEGORY:<br/>STORAGE TANK MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <p><b>ST.90.</b></p> <p><b>UST DOCUMENTATION</b></p> <p><b>ST.90.1.VI.</b> UST locations must be included in land records ( CVIR 1 2-16-665) [Added January 2004].</p> <p><b>ST.90.2.VI.</b> UST owners/operators must meet specific recordkeeping requirements ( CVIR 1 2-16-673) [Added January 2004].</p> | <p>Verify that, for the purpose of placing future purchasers on notice, the owner of the property on which an underground storage tank is located records the existence and location of underground storage tank in the office of the Recorder of Deeds in the district where the UST is located.</p> <p>Verify that all owners and operators of UST systems maintain records and information relating to tanks, their associated equipment, their contents, repairs, tank system testing, monitoring, analysis, and release detection, including inventory controls, for the operating life of the UST system.</p> <p>Verify that all required records and information, including records regarding tank closure, are kept at the UST site or at a readily available alternative site and made immediately available for inspection and copying by an authorized employee of the Department.</p> |

| <b>COMPLIANCE CATEGORY:<br/>STORAGE TANK MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <p><b>ST.95.</b></p> <p><b>CHANGES IN SERVICE OR CLOSURE OF USTS</b></p> <p><b>ST.95.1.VI.</b> UST owner/operators must meet closure requirements for abandoned or temporarily closed systems (CVIR 12-16-662) [Added January 2004].</p> | <p>Verify that when a UST system is temporarily closed, owners and operators continue operation and maintenance of corrosion protection and release detection.</p> <p>(NOTE: Release detection is not required so long as the UST system is empty as defined in 40 CFR § 280.70 (7-1-98 edition), relating to temporary closure of UST systems.)</p> <p>Verify that, when a UST system is temporarily closed for 3 months or more, owners and operators:</p> <ul style="list-style-type: none"> <li>- notify the Department at least 30 days before the temporary closure</li> <li>- leave vent lines open and functioning</li> <li>- cap and secure all other lines, pumps, manways, and ancillary equipment.</li> </ul> <p>Verify that at least 45 days before beginning either permanent closure or a change-in-service, an owner or operator notifies the Commissioner of the intent to permanently close or make the change in service, unless such action is in response to corrective action.</p> <p>Verify that, to close a tank permanently, an owner or operator empties and cleans the tank by removing all liquids and accumulated sludges.</p> <p>Verify that all tanks taken out of service permanently are either removed from the ground or filled with an inert, solid material.</p> <p>(NOTE: Continued use of an UST system to store a non-regulated substance is a change-in-service. Before a change-in-service, an owner or operator will empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment as prescribed by rules and regulations no less stringent than the corresponding federal requirements.)</p> <p>Verify that before permanent closure or change-in-service is completed, an owner or operator measures for the presence of a release where contamination is most likely to be present at the UST site.</p> <p>Verify that the owner or operator of an UST maintains all records that are capable of demonstrating compliance with tank closure requirements under this chapter.</p> <p>Verify that the results of the excavation zone assessment for at least three years after completion of the permanent closure or change-in-service are maintained by:</p> |

| <b>COMPLIANCE CATEGORY:</b><br><b>STORAGE TANK MANAGEMENT</b><br><b>Virgin Islands Supplement</b> |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|   | <ul style="list-style-type: none"> <li>- the owner or operator who took the UST system out of service</li> <li>- any owner or operator of an UST site within three years of a permanent tank closure or change-in-service.</li> </ul> <p>(NOTE: If the records cannot be maintained at the closed facility, they will be mailed to the Department of Planning and Resources.)</p> |



**SECTION 11**  
**TOXIC SUBSTANCES MANAGEMENT**  
**Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Toxic Substances Management and is intended to supplement the U.S. TEAM Guide. The Virgin Islands currently has no regulations in this area. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**TOXIC SUBSTANCES MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                             |            |
|-----------------------------|------------|
| PCB Management              |            |
| Missing Checklist Items     | T1.2.1.VI. |
| Asbestos Management         |            |
| Missing Checklist Items     | T2.2.1.VI. |
| Radon Management            |            |
| Missing Checklist Items     | T3.2.1.VI. |
| Lead-Based Paint Management |            |
| Missing Checklist Items     | T4.2.1.VI. |

| <b>COMPLIANCE CATEGORY:<br/>TOXIC SUBSTANCES MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
|---|---|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>PCB MANAGEMENT</b> <p><b>T1.1.</b><br/><b>Missing Checklist Items</b></p> <p><b>T1.1.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**TOXIC SUBSTANCES MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|---|---|
| <p><b>ASBESTOS MANAGEMENT</b></p> <p><b>T2.2.</b><br/><b>Missing Checklist Items</b></p> <p><b>T2.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**TOXIC SUBSTANCES MANAGEMENT**  
**Virgin Islands Supplement**

| REGULATORY REQUIREMENTS:   | REVIEWER CHECKS:<br>January 2010  |
|--|---|
| <p><b>RADON MANAGEMENT</b></p> <p><b>T3.2.</b><br/><b>Missing Checklist Items</b></p> <p><b>T3.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
**TOXIC SUBSTANCES MANAGEMENT**  
**Virgin Islands Supplement**

| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
|---|---|
| <p><b>LEAD-BASED PAINT MANAGEMENT</b></p> <p><b>T4.2.</b><br/><b>Missing Checklist Items</b></p> <p><b>T4.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p> | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**SECTION 12**  
**WASTEWATER MANAGEMENT**

**Virgin Islands Supplement, January 2010**

This section covers the state requirements for Wastewater Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

**Definitions**

- *Act* - the Virgin Islands Water Pollution Control Act, 12 V.I.C., section 181 et seq (Code of Virgin Island Rules, Title 12, Subchapter 184, Section 2 (CVIR 12-184-2)).
- *Administrator and Regional Administrator* - the Administrator of the EPA and the Regional Administrator for the EPA region which includes the Territory (CVIR 12-184-2).
- *Animal Feeding Operation* – (CVIR 12-184-2) [Added January 2008]:
  - (i) Animal feeding operation means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:
    - (A) Animals (other than aquatic animals) have been, are, or will be stalled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
    - (B) Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
  - (ii) Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.
- *Aquaculture Project* - a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals. "Designated project area", as used in this definition, means the portions of the waters of the United States Virgin Islands within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area (CVIR 12-184-2) [Added January 2008].
- *Commissioner* - the Commissioner of the Department of Planning and Natural Resources, or his designee (CVIR 12-184-2) (Revised January 2008).
- *Concentrated Animal Feeding Operation* - an "animal feeding operation" which meets the criteria in 40 CFR part 122 appendix B, or which the Commissioner designates under 184-41(b) (CVIR 12-184-2) [Added January 2008].
- *Concentrated Aquatic Animal Production Facility* - a hatchery, fish farm, or other facility which meets the criteria in 40 CFR part 122 appendix C, or which the Commissioner designates under 184-42(b) (CVIR 12-184-2) [Added January 2008].
- *Department* - the Department of Planning and Natural Resources (CVIR 12-184-2) [Revised January 2008].

- *Discharge or Disposal* - when used without qualification means the "discharge of a pollutant" (CVIR 12-184-2) [Revised January 2008].
- *Discharge Of A Pollutant* - (CVIR 12-184-2) [Added January 2008]:
  - (i) Any addition of any "pollutant" or combination of pollutants to "waters of the United States Virgin Islands" from any "point source," or
  - (ii) Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."
- *Disposal System* - a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems (CVIR 12-184-2).
- *Effluent Limitations* - any restrictions or prohibitions established under Federal law and regulations, including but not limited to standards of performance for new sources, toxic effluent standards and discharge criteria, on quantities, rates and concentrations of chemical, physical, biological and other constituents which are discharged from point sources into Virgin Islands waters, including schedules of compliance (CVIR 12-184-2).
- *Federal Act or FWPRA* - the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq (CVIR 12-184-2).
- *National Pollutant Discharge Elimination System or NPDES* - the national system of water pollution control established by the Federal Water Pollution Control Act, as amended (CVIR 12-184-2).
- *Navigable Waters* - the waters of the United States, including the Territorial seas (CVIR 12-184-2).
- *Permit* - an authorization, license, or equivalent control document to discharge pollutants into United States Virgin Islands waters issued under 12 V.I.C., section 185 and regulations promulgated pursuant thereto (CVIR 12-184-2) [Revised January 2008].
- *Permittee* - the holder of a TPDES or NPDES permit (CVIR 12-184-2).
- *Person* - an individual, corporation, partnership, association, territory, or territorial agency, and further includes the Government of the Virgin Islands, and any board, commission, authority or instrumentality thereof, including those having jurisdiction over the discharge of pollutants (CVIR 12-184-2).
- *Point Source* - an individual, corporation, partnership, association, municipality, territory, or territorial agency, the Government of the United States Virgin Islands, the Government of the United States, and any board, commission, authority, or independent instrumentality of the Government of the Virgin Islands and the United States Government and any officer, agent, or employee thereof, including those having regulatory authority over the discharge of pollutants (CVIR 12-184-2) [Revised January 2008].
- *Pollution* - the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of any waters of the United States Virgin Islands (CVIR 12-184-2) [Revised January 2008].
- *Pollutant or Waste*, used interchangeably, - dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or

discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water (CVIR 12-184-2).

- *Sewerage System* - pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal (CVIR 12-184-2).
- *Territorial Pollutant Discharge Elimination System or TPDES* - the territorial system of water pollution control established by 12 V.I.C., Chapter 7, Act No. 1979 (CVIR 12-184-2).
- *Territory* - the Territory of the United States Virgin Islands (CVIR 12-184-2).
- *TPDES Application, Form, Permit And Reporting Form* - respectively, application, form, permit and reporting form under the TPDES or NPDES (CVIR 12-184-2).
- *Waters of the Virgin Islands* - all waters within the jurisdiction of the Virgin Islands including all harbors, streams, lakes, ponds, impounding reservoirs, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the Virgin Islands, including the Territorial seas, contiguous zone, and oceans (CVIR 12-184-2).

**WASTEWATER MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                                    |                                   |
|------------------------------------|-----------------------------------|
| Missing Checklist Items            | WA.2.1.VI.                        |
| Permits                            | WA.10.1.VI.                       |
| Individual Sewage Disposal Systems | WA.100.1.VI. through WA.100.7.VI. |

| <b>COMPLIANCE CATEGORY:<br/>WASTEWATER MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>WA.2.</b><br><b>MISSING CHECKLIST<br/>ITEMS</b><br><br><b>WA.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding). | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

**COMPLIANCE CATEGORY:**  
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| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>  |
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| <p><b>WA.10.</b></p> <p><b>PERMITS</b></p> <p><b>WA.10.1.VI.</b> Discharges of pollutants must have permits (CVIR 12-184-21(a) and (c), 12-184-22, 12-184-41, 12-184-42, 12-184-43, and 12-184-45) [Revised January 2008; Citation Revised January 2009].</p> | <p>Verify that there are no discharges of any pollutant without a TPDES permit having been issued for the discharge.</p> <p>(NOTE: All permits for discharges into navigable waters issued by the Federal government pursuant to the FWPCA are deemed to be permits issued under this section, and continue in force and effect for their term unless revoked, modified, or suspended.)</p> <p>Verify that any person proposing to commence a discharge of pollutants files a complete TPDES application no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants.</p> <p>(NOTE: The following acts do not require a TPDES permit under the Act or this subchapter; however, these exceptions do not apply to requirements to obtain permits other than TPDES permits:</p> <ul style="list-style-type: none"> <li>- any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel (this exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the United States for the purpose of mineral or oil exploration or development)</li> <li>- discharges of dredged or fill material into waters of the United States which are regulated under section 404 of CWA</li> <li>- the introduction of sewage, industrial wastes or other pollutants into publicly owned treatment works by indirect dischargers (plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the United States are eliminated; also, this exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other party not leading to treatment works)</li> <li>- any discharge in compliance with the instructions of a National Oil-Scene Coordinator pursuant to 40 CFR part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances)</li> <li>- any introduction of pollutants from non-point-source agricultural and</li> </ul> |

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| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:</b><br><b>January 2010</b>   |
|   | <p>silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations, concentrated aquatic animal production facilities, aquaculture projects or from silvicultural point sources</p> <ul style="list-style-type: none"> <li>- return flows from irrigated agriculture</li> <li>- discharges into privately owned treatment works, except as the Commissioner may require.)</li> </ul> <p>Verify that concentrated animal feeding operations, concentrated aquatic animal production facilities, and aquaculture projects obtain TPDES permits (see definitions).</p> <p>Verify that discharges composed entirely of stormwater are permitted (see CVIR 12-184-45 for details of which stormwater discharges are covered; the Virgin Island requirements do not differ substantively from the Federal).</p> |

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| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <b>WA.100.</b><br><br><b>INDIVIDUAL SEWAGE<br/>DISPOSAL SYSTEMS</b>   |  |
| <b>WA.100.1.VI.</b> Permits must be obtained for the construction or installation of privies (CVIR 19-1404-71).             | Verify that a permit is obtained prior from the Commissioner of Health to the building, construction, or installation of any pit privy, surface privy, or water carriage sewer system.   |
| <b>WA.100.2.VI.</b> Where sewers are accessible, they must be used (CVIR 19-1404-73).                                       | Verify that no privy vault, sewage seepage system or sewage overflow remains on the premises from which a public sewer is accessible without permission of the Commissioner of Health.   |
| <b>WA.100.3.VI.</b> Privies must meet specific construction and maintenance standards (CVIR 19-1404-74 and 19-1404-78).     | <p>Verify that privies are constructed with adequate storage space for excreta, with self-closing seat covers and fly-tight vault and with screened vent from the vault to the atmosphere.</p> <p>Verify that each privy vault, toilet or other sewage disposal system is kept in a sanitary condition at all times and is constructed and maintained to prevent the escape of odors and to exclude animals, poultry and flies.</p> <p>Verify that material removed from any privy vault, toilet or other sewage disposal system is disposed of by burial or by other sanitary methods approved by the Commissioner of Health.</p>   |
| <b>WA.100.4.VI.</b> Waters, streams and reservoirs must be protected from human excrement (CVIR 19-1404-72 and 19-1404-75). | <p>Verify that no human excrement or material containing human excrement is disposed of in a manner that it is likely to gain access to any waters except under conditions approved by the Department of Health.</p> <p>Verify that no toilet is erected or maintained over any stream or on the banks of any stream.</p> <p>Verify that no material from any privy vault, septic tank or cesspool situated on any watershed which is used for drinking purposes, is deposited within 50 ft of the high-water mark of any reservoir or stream.</p> <p>Verify that if material is deposited at any place on a watershed used for drinking water is disposed of by burial or by other methods approved by the Department of Health so that no portion of the material can escape or be washed into a water</p> |

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| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <p><b>WA.100.5.VI.</b> Gutters and public ways must be protected from discharges from kitchens, sinks, laundries or toilets (CVIR 19-1404-77).</p> | <p>Supply stream or reservoir.</p> <p>Verify that no kitchen wastes, laundry water, sink water or toilet wastes discharge or flow into any gutter, street, roadway or public place, or discharge onto any private property so as to create a nuisance or condition detrimental to health.</p> <p>Verify that no drainage from a sewage disposal system is discharged into a street gutter or on to the surface of the ground, or discharge into any tributary of a public water supply.</p>  |
| <p><b>WA.100.6.VI.</b> Transporters of sewage or septage must be permitted (CVIR 19-1404-76).</p>  | <p>Verify that, unless the contents of a privy vault, septic tank or cesspool are disposed of on the land of the owner, a written permit is issued from the Commissioner of Health for the transportation and disposal of such material.</p> <p>(NOTE: The permit will designate where and in what manner such material will be disposed of.)</p>  |
| <p><b>WA.100.7.VI.</b> Septic tanks must meet specific design and location standards (CVIR 19-1404-83).</p>  | <p>Verify that septic tanks are designed to provide access for cleaning, and adequate volume for settling and for sludge and scum storage.</p> <p>Verify that septic tanks are located not less than the stated distances from the following:</p> <ul style="list-style-type: none"> <li>- property lines adjoining private property: 5 ft</li> <li>- any source of domestic water supply: 50 ft</li> <li>- dwellings: 5 ft.</li> </ul> <p>Verify that the liquid depth of any tank or compartment is not less than 4 ft.</p> <p>(NOTE: A liquid depth greater than 6 1/2 feet will not be considered in determining tank capacity.)</p> <p>Verify that no tank or compartment has an inside horizontal dimension less than 33 in.</p> <p>Verify that, when multi-compartment tanks are used, no compartment has a liquid capacity less than 175 gal.</p> <p>Verify that the liquid capacity meets the minimum amounts based upon the number of bedrooms contemplated in the dwelling served as indicated:</p> |

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|   | <ul style="list-style-type: none"> <li>- 2 bedrooms or less: 500 gal</li> <li>- 3 bedrooms: 600 gal</li> <li>- 4 bedrooms: 750 gal</li> <li>- 5 bedrooms: 900 gal</li> <li>- 6 bedrooms: 1100 gal</li> <li>- 7 bedrooms: 1300 gal</li> <li>- 8 bedrooms: 1500 gal</li> <li>- 10 bedrooms: 2000 gal.</li> </ul> <p>(NOTE: Increase minimum liquid capacity by 50 percent when a household garbage grinder discharges into system.)</p> |

## SECTION 13

### WATER QUALITY MANAGEMENT

#### **Virgin Islands Supplement, January 2010**

This section covers the territorial requirements for Water Quality Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

NOTE: On December 1<sup>st</sup>, 2009, the Virgin Islands Department of Planning and Natural Resources (DPNR) filed notice of intent to establish revised water quality standards regulations (WQSR) for the United States Virgin Islands under Title 12 Chapter 7 Subchapter 186 of the VI Rules and Regulations. Specifically, the proposed new language limits the amount of time for persons discharging pollutants into the waters of the United States Virgin Islands to come into compliance with the new Water Quality Standards to a maximum of three years. As of this writing, the proposed changes has not been formally adopted.

#### **Definitions**

- *Abandoned Well* - a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes (Code of Virgin Islands Rules, Title 12, Subchapter 185(b)(5), Section 1 (CVIR 12-185(b)(5)-1)).
- *Act* - the Virgin Islands Water Pollution Control Act, 12 V.I.C., section 181 et seq (CVIR 12-184-2).
- *Administrator* and *Regional Administrator* - respectively, the Administrator of the EPA and the Regional Administrator for the EPA region which includes the Territory (CVIR 12-184-2).
- *Appropriation* - an amount of water authorized and allotted by permit is sued by the Commissioner, to be withdrawn from a designated source and applied to a specified beneficial use or uses within stated limits as to quantity, rate and period of withdrawal or diversion (CVIR 12-151-2).
- *Casing* - a pipe or tubing of appropriate material of varying diameter and weight lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole (CVIR 12-185(b)(5)-1).
- *Commission* - the Virgin Islands Water Resources Commission as established by section 163, Title 12 of the Virgin Islands Code (Act No. 1488, approved July 2, 1965) (CVIR 12-151-2).
- *Commissioner* - :
  1. the Commissioner of Public Works or his authorized representative (CVIR 12-151-2);
  2. the Regional Administrator or the DCCA Commissioner as the context requires, or a non-authorized representative. When there is no approved Territorial program, and there is an EPA administered program "Commissioner" - the Regional Administrator. When there is an approved Territorial program, "Commissioner" normally means the DCCA Commissioner. In some circumstances, however, EPA retains the authority to take certain actions even where there is an approved Territorial program (CVIR 12-185(b)(5)-1);
  3. the Commissioner of Conservation and Cultural Affairs (CVIR 12-184-2).
- *Department* - the Department of Conservation and Cultural Affairs (CVIR 12-184-2).

- *Discharge or Disposal* - the addition of any pollutant to Virgin Islands waters from any point source (CVIR 12-184-2).
- *Disposal System* - a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems (CVIR 12-184-2).
- *Disposal Well* - a well used for the disposal of waste into a subsurface stratum (CVIR 12-185(b)(5)-1).
- *Drainage Well* - any artificial opening in the ground designed to conduct any liquid from the surface of the ground to a source bed (CVIR 12-151-2).
- *Domestic Use* - the use of water for household purposes, the watering of livestock, poultry and domestic animals, and the irrigation of not more than 1/2 acre of gardens and lawns (CVIR 12-151-2).
- *Effluent Limitations* - any restrictions or prohibitions established under Federal law and regulations, including but not limited to standards of performance for new sources, toxic effluent standards and ocean discharge criteria, on quantities, rates and concentrations of chemical, physical, biological and other constituents which are discharged from point sources into Virgin Islands waters, including schedules of compliance (CVIR 12-184-2).
- *Hazardous Waste* - a hazardous waste as defined in 40 CFR 261.3 (CVIR 12-185(b)(5)-1).
- *Injection Well* - a "well" into which "fluids" are being injected. Injection wells are classified as follows (CVIR 12-185(b)(5)-31):
  - (a) Class I.
    - (1) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.
    - (2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.
  - (b) Class II. Wells which inject fluids:
    - (1) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
    - (2) For enhanced recovery of oil or natural gas; and
    - (3) For storage of hydrocarbons which are liquid at standard temperature and pressure.
  - (c) Class III. Wells which inject for extraction of minerals including:
    - (1) Mining of sulfur by the Frasch process;
    - (2) In-situ production of uranium or other metals. This category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.
    - (3) Solution mining of salts or potash.
  - (d) Class IV.
    - (1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which within one-quarter (1/4) mile of the well contains an underground source of drinking water.
    - (2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within one-quarter (1/4) mile of the well contains an underground source of drinking water.
    - (3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under sections

122.32(a)(1) or 122.32(d)(1) and (2) (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to section 185(b)(5)-35).

(e) Class V. Injection wells not included in Class I, II, III, or IV. Class V wells include:

- (1) Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;
- (2) Cesspools including multiple dwelling, community or regional cesspools, or other devices that receive wastes which have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools nor to nonresidential cesspools which receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day.
- (3) Cooling water return flow wells used to inject water previously used for cooling;
- (4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;
- (5) Dry wells used for the injection of wastes into a subsurface formation;
- (6) Recharge wells used to replenish the water in an aquifer;
- (7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;
- (8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;
- (9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, nor to nonresidential septic system wells which are used solely for the disposal of sanitary waste and have the capacity to serve fewer than 20 persons a day.
- (10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
- (11) Radioactive waste disposal wells other than Class IV;
- (12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power;
- (13) Wells used for solution mining of conventional mines such as stopes leaching;
- (14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;
- (15) Injection wells used in experimental technologies;
- (16) Injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale.

- *Navigable Waters* - the waters of the United States, including the Territorial seas (CVIR 12-184-2).
- *Owner or Operator* - the owner or operator of any "facility or activity" subject to regulation under the UIC program (CVIR 12-185(b)(5)-1).
- *Permit* :-
  1. an authorization, license, or equivalent control document issued by EPA or the Territory to implement the requirements of these regulations. Permit includes UIC area permit and UIC authorization by rule (CVIR 12-185(b)(5)-1);
  2. a permit to discharge pollutants into Virgin Islands waters issued under 12 V.I.C., section 185 and regulations promulgated pursuant thereto (CVIR 12-184-2).
- *Person* - any individual, firm, partnership, association, corporation, the Government of the United States, the Government of the Virgin Islands, or any department, agency, or authority of such government (CVIR 12-151-2).
- *Plugging* - the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation (CVIR 12-185(b)(5)-1).

- *Point Source* - any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged (CVIR 12-184-2).
- *Pollution* - the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of any waters of the Virgin Islands; or, such contamination, or other alteration of the physical, chemical or biological properties of any such waters, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life (CVIR 12-184-2).
- *Pollutant* or *Waste* - used interchangeably, means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water (CVIR 12-184-2).
- *Sewerage System* - pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal (CVIR 12-184-2).
- *Source Bed* - the stream or strata from which a liquid is drawn into or returned from the well or drainage well (CVIR 12-151-2).
- *Underground Injection* - a "well injection" (CVIR 12-185(b)(5)-1).
- *Underground Source of Drinking Water (USDW)* - an aquifer or its portion (CVIR 12-185(b)(5)-1):
  - (1) Which supplies any public water system; or
  - (ii) Which contains a sufficient quantity of ground water to supply a public water system; and
    - (A) Currently supplies drinking water for human consumption; or
    - (B) Contains fewer than 10,000 mg/l total dissolved solids; and
  - (2) Which is not an exempted aquifer.
- *Water* - is construed to include ponds, springs, wells and streams and all other bodies of surface or underground water, natural or artificial, inland or coastal, fresh or salt, public or private (CVIR 12-151-2).
- *Water Quality Criteria* - any criteria describing the required quality of Virgin Islands waters adopted under Virgin Islands and Federal laws (CVIR 12-184-2).
- *Water Quality Standards* - any water quality standards adopted and effective under Virgin Islands and Federal laws (CVIR 12-184-2).
- *Waters of the Virgin Islands* - all waters within the jurisdiction of the Virgin Islands including all harbors, streams, lakes, ponds, impounding reservoirs, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the Virgin Islands, including the Territorial seas, contiguous zone, and oceans (CVIR 12-184-2).
- *Well* - with reference to drinking water, is construed to mean any hole drilled, dug, or bored for the purpose of obtaining water or knowledge of water bearing formations or for disposal of waste materials (CVIR 12-151-2).

- *Well* - with reference to injection wells, a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension (CVIR 12-185(b)(5)-1).
- *Well Injection* - the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension (CVIR 12-185(b)(5)-1).
- *Well Plug* - a watertight and gastight seal installed in a borehole or well to prevent movement of fluids (CVIR 12-185(b)(5)-1).
- *Well Monitoring* - the measurement, by on-site instruments or laboratory methods, of the quality of water in a well (CVIR 12-185(b)(5)-1).

**WATER QUALITY MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS CHECKLIST USERS**

**REFER TO CHECKLIST ITEMS:**

|                             |                                   |
|-----------------------------|-----------------------------------|
| Missing Checklist Items     | WQ.2.1.VI.                        |
| State-Specific Requirements | WQ.5.1.VI.                        |
| Public Water Systems        | WQ.30.1.VI. and WQ.30.2.VI.       |
| Drinking Water Well         | WQ.90.1.VI. through WQ.90.8.VI.   |
| Injection Control Wells     |                                   |
| All Wells                   | WQ.109.1.VI.                      |
| Class I Wells               | WQ.110.1.VI. through WQ.110.4.VI. |
| Class II Wells              | WQ.111.1.VI. and WQ.111.2.VI.     |
| Class III Wells             | WQ.112.1.VI. and WQ.112.2.VI.     |
| Class V Wells               | WQ.114.1.VI.                      |
| Water Quality Standards     | WQ.115.1.VI. through WQ.115.5.VI. |
| Water Use Permits           | WQ.120.1.VI.                      |

**WATER QUALITY MANAGEMENT  
GUIDANCE FOR VIRGIN ISLANDS APPENDIX USERS**

**REFER TO APPENDIX NUMBERS:**

**REFER TO APPENDIX TITLES:**

13-1

Classification of Surface Water

| <b>COMPLIANCE CATEGORY:<br/>WATER QUALITY MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
|---|---|
| <b>REGULATORY<br/>REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <b>WQ.2.</b><br><b>MISSING CHECKLIST<br/>ITEMS</b><br><br><b>WQ.2.1.VI.</b> Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding). | <p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p> |

| <b>COMPLIANCE CATEGORY:<br/>WATER QUALITY MANAGEMENT<br/>Virgin Islands Supplement</b>   |   |
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| <b>REGULATORY<br/>REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <p><b>WQ.5.</b></p> <p><b>STATE-SPECIFIC REQUIREMENTS</b></p> <p><b>WQ.5.1.VI.</b> Trucks or tankers used to transport water used for human consumption must meet registration requirements (CVIR 19-1303-17).</p> | <p>Verify that all trucks and tankers that are engaged in the transportation of water for human consumption are inspected annually by the DPNR prior to being placed into service, to ensure their sanitary condition.</p> <p>Verify that all trucks and tankers transporting water for human consumption maintain records indicating the frequency of cleaning and disinfection of the trucks or tankers, the types of chemicals and materials used in the cleaning, and all hazardous or toxic material(s) that was transported by the truck or tanker.</p> <p>Verify that the truck or tanker operator enters each load of water in a manifest which describes, at a minimum:</p> <ul style="list-style-type: none"> <li>- the source of the water</li> <li>- the date the water was loaded into the truck</li> <li>- the name and address of the recipient of the water</li> <li>- the date of delivery.</li> </ul> <p>Verify that trucks and tankers used for transporting water for human consumption are not used for other purposes without prior written permission of the Commissioner.</p> <p>Verify that trucks and tankers used for transporting water are only used for transporting water for human consumption from sources approved by DPNR.</p> |

| <b>COMPLIANCE CATEGORY:<br/>WATER QUALITY MANAGEMENT<br/>Virgin Islands Supplement</b>  |   |
|---|---|
| <b>REGULATORY REQUIREMENTS:</b>   | <b>REVIEWER CHECKS:<br/>January 2010</b>  |
| <p><b>WQ.30.</b></p> <p><b>PUBLIC WATER SYSTEMS</b></p> <p><b>WQ.30.1.VI.</b> Public water systems that exceed the MCL for total coliforms must meet specific reporting requirements (CVIR 19-1303-51).</p> <p><b>WQ.30.2.VI.</b> Public water systems that fail to comply with an applicable MCL or treatment technique must meet state-specific reporting requirements (CVIR 19-1303-52).</p> | <p>Verify that a public water system that has exceeded the MCL for total coliforms reports the violation to DPNR no later than the end of the next business day after the system learns of the violation.</p> <p>Verify that a public water system that has failed to comply with the sampling site plan requirements and required monitoring reports the violation to DPNR within 2 days after the system discovers, or should have discovered, the violation.</p> <p>(NOTE: The territorial requirement is for publication of notice for not less than 3 consecutive days; the Federal requirement does not specify publication of notice for 3 consecutive days.)</p> <p>Verify that a public water system who fails to comply with an applicable MCL or treatment technique, or fails to comply with the requirements of any schedule, notifies persons served by publication for not less than 3 consecutive days in a daily newspaper of general circulation in the area served by the system as soon as possible, but in no case later than 14 days after the violation or failure.</p> <p>(NOTE: If the area served by a public water system is not served by a daily newspaper of general circulation, notice will instead be given by publication in a weekly newspaper of general circulation serving the area.)</p> |

| <b>COMPLIANCE CATEGORY:<br/>WATER QUALITY MANAGEMENT<br/>Virgin Islands Supplement</b>   |  |
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| <b>REGULATORY REQUIREMENTS:</b>  | <b>REVIEWER CHECKS:<br/>January 2010</b>   |
| <b>WQ.90.</b><br><br><b>DRINKING WATER WELL</b>  |  |
| <b>WQ.90.1.VI.</b> Permits must be obtained prior to drilling, rehabbing, plugging or capping any well, or installing a pump on any well ( CVIR 12-151-11(a)). | Verify that no well is drilled, rehabilitated, plugged or capped, nor any pump installed unless the owner or lessee of the land on which the well is to be drilled has obtained a permit from, and filed a preliminary report with, the Commissioner.  |
| <b>WQ.90.2.VI.</b> Wells operating under an appropriation permit must have meters installed ( CVIR 12-151-25(a)).  | Verify that any well operating pursuant to an appropriation permit installs a meter of a type and in the manner specified by the Commissioner for the purpose of recording the amount of water drawn from the well.  |
| <b>WQ.90.3.VI.</b> Wasteful use of water from wells is prohibited (CVIR 12-151-27).  | Verify that no owner of a well, whether a pumping well or a flowing well, discharges from the well water that is allowed to run to waste and not put to useful service, except in connection with pumping tests.   |
| <b>WQ.90.4.VI.</b> Well drillers must be licensed ( CVIR 12 - 151-12).   | Verify that any person who engages in the business of well drilling in the Virgin Islands obtains a license from the Commissioner.<br><br>(NOTE: Such licenses are required not only of those who make regular business of well drilling, but of all who may put down wells for others as an incident to any line of business activity. Well driller's licenses are not required for strictly private operations when a property owner by his own labor puts down a well on his own property to supply his own dwelling or the needs of his animals or crops.) |
| <b>WQ.90.5.VI.</b> Flowing wells must have control devices (CVIR 12-151-17).   | Verify that flowing wells have approved flow control devices installed.  |

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| <p><b>WQ.90.6.VI.</b> Well repairs must meet specific standards (CVIR 12-151-19).</p>  | <p>Verify that defective casings are not repaired, but are pulled and replaced with new casing.</p> <p>Verify that, should relining or other repair techniques seem desirable, special application is made to the Commissioner and the procedures as detailed or amended by the Commissioner are precisely followed.</p>  |
| <p><b>WQ.90.7.VI.</b> Drainage wells are prohibited (CVIR 12-151-20).</p>  | <p>Verify that there are no drainage wells, except as approved by the Commissioner.</p>   |
| <p><b>WQ.90.8.VI.</b> Capping, plugging, and sealing of wells must meet specific requirements ( CVIR 12-151-16, 12 -151-23, and 12 -151-26).</p> | <p>Verify that existing unused wells are capped in a permanent manner with a suitable cap , in accordance with such procedures as prescribed by the Commissioner from time to time.</p> <p>Verify that notice of intent to plug a well is given to the Commissioner.</p> <p>Verify that after completion of the plugging of the well, written notice of the method used and date of which the work was completed are promptly filed with the Commissioner.</p> <p>Verify that prior approval of the Commissioner is obtained before an artesian well is plugged by any method other than solid cement from bottom to surface.</p> <p>(NOTE: Nonartesian ( water-table) wells may be filled with clean sand or puddled clay without prior approval of the Commissioner.)</p> <p>Verify that upon abandoning, or upon encountering highly mineralized water in any existing or new well or test hole, owners immediately notify the Commissioner and effectively seal the well or test hole under the supervision of and to the satisfaction of the Commissioner.</p> |

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| <b>INJECTION CONTROL<br/>WELLS</b><br><br><b>WQ.109.</b><br>All Wells<br><br><b>WQ.109.1.VI.</b> Hazardous waste injection wells are authorized by rule and must meet general requirements (CVIR 1 2-185(b)(5)-45(a) and (b)).<br><br> | <p>(NOTE: Moved from WQ.110.2.VI. January, 2004)</p> <p>Verify that the owner or operator of any well that is used to inject hazardous wastes accompanied by a manifest or delivery document has applied for authorization to inject.</p> |

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| <b>INJECTION CONTROL<br/>WELLS</b><br><br><b>WQ.110.</b><br><b>Class I Wells</b>                               | <p>(NOTE: Repeated in WQ.111.1.VI. and WQ.112.1.VI. January, 2004)</p> <p>Verify that, except as provided under an authorization by rule, all underground injections into Class I wells in the Territory are authorized by permit.</p> <p>(NOTE: Those authorized by a rule must still apply for a permit under this section unless authorization by rule was for the life of the well.)</p>  |
| <b>WQ.110.2.VI.</b> [Moved January 2004].  | <p>(NOTE: Moved to WQ.109.1.VI. January, 2004)</p>  |
| <b>WQ.110.3.VI.</b> Plugging and abandoning Class I wells must meet specific standards (CVIR 12-185(b)(5)-48). | <p>(NOTE: Repeated in WQ.111.2.VI. and WQ.112.2.VI. January, 2004)</p> <p>Verify that prior to abandoning Class I wells, the well is plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water.</p> <p>Verify that the well to be abandoned is in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Commissioner, prior to the placement of the cement plug(s).</p> |
| <b>WQ.110.4.VI.</b> [Moved January 2004].  | <p>(NOTE: Moved to WQ.114.1.VI. January, 2004)</p>  |

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| <b>INJECTION CONTROL<br/>WELLS</b><br><br><b>WQ.111.</b><br><b>Class II Wells</b><br><br><b>WQ.111.1.VI.</b> Underground injection wells must meet permitting requirements (CVIR 12-185(b)(5)-38). | <p>(NOTE: Moved from WQ.110.1.VI. January, 2004)</p> <p>Verify that, except as provided under an authorization by rule, all underground injections into Class II wells in the Territory are authorized by permit.</p> <p>(NOTE: Those authorized by a rule must still apply for a permit under this section unless authorization by rule was for the life of the well.)</p>  |
| <b>WQ.111.2.VI.</b> Plugging and abandoning Class II wells must meet specific standards (CVIR 12-185(b)(5)-48).  | <p>(NOTE: Moved from WQ.110.3.VI. January, 2004)</p> <p>Verify that prior to abandoning Class II wells, the well is plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water.</p> <p>Verify that the well to be abandoned is in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Commissioner, prior to the placement of the cement plug(s).</p> |

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| <b>INJECTION CONTROL<br/>WELLS</b><br><br><b>WQ.112.</b><br><b>Class III Wells</b><br><br><b>WQ.112.1.VI.</b> Class III underground injection wells must meet permitting requirements (CVIR 1-2-185(b)(5)-38). | <p>(NOTE: Moved from WQ.110.1.VI. January, 2004)</p> <p>Verify that, except as provided under an authorization by rule, all underground injections into Class III wells in the Territory are authorized by permit.</p> <p>(NOTE: Those authorized by a rule must still apply for a permit under this section unless authorization by rule was for the life of the well.)</p> <p>(NOTE: Moved from WQ.110.3.VI. January, 2004)</p> <p>Verify that prior to abandoning Class III wells, the well is plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water.</p> <p>Verify that the well to be abandoned is in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Commissioner, prior to the placement of the cement plug(s).</p> |

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| <b>INJECTION CONTROL<br/>WELLS</b><br><br><b>WQ.114.</b><br>Class V Wells<br><br><b>WQ.114.1.VI.</b><br>Owners/operators o f Class V wells m ust n otify the Commissioner o f t he existence o f t he well ( CVIR 185(b)(5)-92(a)).<br> | <p>(NOTE: Moved from WQ.110.4.VI. January, 2004)</p> <p>Verify that the owner or operator of any Class V well notifies the Commissioner of the existence of any well meeting the definitions of Class V under his control.</p> |

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| <b>WQ.115.</b><br><br><b>WATER QUALITY<br/>STANDARDS</b>  |  |
| <b>WQ.115.1.VI.</b> Surface waters must meet general water quality requirements (CVIR 12-186-1).                                  | <p>Verify that all surface waters meet generally accepted aesthetic qualifications [not defined] and are capable of supporting diversified aquatic life.</p> <p>Verify that all surface waters are free of substances attributable to municipal, industrial, or other discharges or wastes as follows:</p> <ul style="list-style-type: none"> <li>- materials that will settle to form objectionable deposits</li> <li>- floating debris, oil, scum, and other matter</li> <li>- substances producing objectionable color, odor, taste, or turbidity</li> <li>- materials, including radionuclides, in concentrations or combinations which are toxic or which produce undesirable physiological responses in human, fish and other animal life, and plants</li> <li>- substances and conditions or combinations thereof in concentrations which produce undesirable aquatic life.</li> </ul>  |
| <b>WQ.115.2.VI.</b> Class A surface waters must meet specific water quality requirements ( CVIR 12-186-2).                        | <p>Verify that for Class A waters (see Appendix 13-1), existing natural conditions are not changed.</p>  |
| <b>WQ.115.3.VI.</b> Class B surface waters must meet specific water quality requirements ( CVIR 12-186-3) [Revised January 2006]. | <p>Verify that Class B waters ( see Appendix 13-1) comply with the following criteria:</p> <ul style="list-style-type: none"> <li>- dissolved oxygen: not less than 5.5 mg/l from other than natural conditions</li> <li>- pH: normal range of pH is not extended at any location by more than +/- 0.1 pH unit, and at no time is the pH be less than 7.0 or greater than 8.3</li> <li>- temperature: not to exceed 32 degrees Celsius at any time, nor as a result of waste discharge to be greater than 1 degree Celsius above natural</li> <li>- bacteria: not to exceed a geometric (log) mean of 70 fecal coliforms per 100 ml b y M F or M PN c ount, n or e xceed a g eometric mean o f 3 5 enterococci per 100 ml., nor exceed a single sample maximum of 104 per 100 ml at any time</li> <li>- phosphorus: phosphorus as total P not to exceed 50 micrograms/l in any coastal waters</li> <li>- chlorine: the 4 -day average concentration of chlorine not to exceed 7.5 micrograms/l, nor the 1-hour average concentration of chlorine to exceed 13 micrograms /l</li> </ul> |

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| <p><b>WQ.115.4.VI.</b> Class C surface waters must meet specific water quality requirements ( CVIR 12-186-4) [Revised January 2006].</p> | <ul style="list-style-type: none"> <li>- suspended, colloidal, or settleable solids: none from waste water sources which will cause disposition or be deleterious for the designated uses</li> <li>- oil and floating substances: no residue attributable to waste water nor visible oil film nor globules of grease</li> <li>- radioactivity: <ul style="list-style-type: none"> <li>- gross beta: 1000 picocuries per liter, in the absence of strontium-90 and alpha emitters</li> <li>- radium-226: 3 picocuries per liter</li> <li>- strontium-90: 10 picocuries per liter</li> </ul> </li> <li>- taste and odor producing substances: none in amounts that will interfere with the use for primary contact recreation, potable water supply or will render any undesirable taste or odor to edible aquatic life</li> <li>- color and turbidity: <ul style="list-style-type: none"> <li>- a Secchi disc visible at a minimum depth of one meter (or, where the depth is less than one meter, the bottom will be visible)</li> <li>- a maximum nephelometric turbidity unit reading of 3.</li> </ul> </li> </ul> <p>Verify that Class C waters ( see Appendix 13-1) comply with the following criteria:</p> <ul style="list-style-type: none"> <li>- dissolved oxygen: not less than 5.0 mg/l from other than natural conditions</li> <li>- pH: normal range of pH is not extended at any location by more than +/- 0.1 pH unit, and at no time is the pH be less than 6.7 or greater than 8.5</li> <li>- temperature: not to exceed 32 degrees C at any time, nor as a result of waste discharge to be greater than 1.0 degree C above natural</li> <li>- bacteria: not to exceed a geometric (log) mean of 200 fecal coliforms per 100 ml b y M F or M PN count, nor exceed a geometric mean of 35 enterococci per 100 ml., nor exceed a single sample maximum of 104 per 100 ml at any time</li> <li>- phosphorus: phosphorus as total P not to exceed 50 micrograms/l in any coastal waters</li> <li>- chlorine: the 4 -day average concentration of chlorine not to exceed 7.5 micrograms/l, nor the 1-hour average concentration of chlorine to exceed 13 micrograms /l</li> <li>- suspended, colloidal, or settleable solids: none from waste water sources which will cause disposition or be deleterious for the designated uses</li> <li>- oil and floating substances: no residue attributable to waste water nor visible oil film nor globules of grease</li> <li>- radioactivity: <ul style="list-style-type: none"> <li>- gross beta: 1000 picocuries per liter, in the absence of strontium-90 and alpha emitters</li> <li>- radium-226: 3 picocuries per liter</li> <li>- strontium-90: 10 picocuries per liter</li> </ul> </li> <li>- taste and odor producing substances: none in amounts that will interfere with the use for potable water supply or will render any undesirable taste or odor to edible aquatic life</li> <li>- color and turbidity: a Secchi disc visible at a minimum depth of one meter.</li> </ul> |

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| <p><b>WQ.115.5.VI.</b> Thermal policy standards must not be violated ( CVIR 1 2-186-5) [Revised January 2006].</p> | <p>Verify that Class C waters meet the provisions for Class B waters (see WQ.115.3.VI.), except as specified in this checklist item.</p> <p>Verify that fish and other aquatic life are protected from thermal blocks, providing for a minimum of 75 percent stream or estuarine cross-section and/or volumetric passageway, including a minimum of one half of the surface area measured from water edge to water edge at any stage of tide.</p> <p>Verify that, in non-passageway waters, the surface water temperature does not exceed 32 degrees C.</p> <p>Verify that no heat is added, except in designated mixing zones, which would cause temperatures to exceed 32 degrees C, or which would cause the monthly mean of the maximum daily temperature at any site, prior to the addition of any heat, to be exceeded by more than 1.0 degree C.</p> <p>Verify that no discharge or combination of discharges is injurious to aquatic life (including threatened and endangered species listed pursuant to section 4 of the federal Endangered Species Act) or the culture or propagation of a balanced indigenous population thereof.</p> <p>Verify that the rate of temperature change outside the mixing zone is not more than 0.5 degree C per hour nor exceeds 3 degrees C in any 24-hour period except when natural phenomena cause these limits to be exceeded.</p> |

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| <b>WQ.120.</b><br><br><b>WATER USE PERMITS</b><br><br><b>WQ.120.1.VI.</b> A permit is required for water use (CVIR 12-151-6). | Verify that no person takes or withdraws water without first obtaining a permit from the Commissioner conferring an appropriation right.<br><br>(NOTE: This does not apply to any person taking or withdrawing less than 500 gal per day for beneficial use.) |

## **Appendix 13-1**

### **Classification of Surface Waters**

(Source: CVIR 12-186-11)  
[Revised January 2006]

Class "A" (natural phenomena):

- (1) Within 0.5 miles of the boundaries of Buck Island's Natural Barrier Reef, St. Croix.
- (2) Trunk Bay, St. John.

(b) Class "B" (aquatic life and primary contact recreation):

- (1) All other waters not classified Class "A" or Class "C".
  - (A) Those Class "B" coastal waters covered by color and turbidity criteria in section 186-3(b)(11) of this chapter include:
    - (i) S t. T homas waters - Mandahl B ay ( Marina), V essup B ay, W ater B ay, B enner Bay, and t he Mangrove Lagoon.
    - (ii) S t. C roix waters - Carlton B each, G ood H ope B each, S alt R iver L agoon ( Marina), S alt R iver Lagoon (Sugar Bay), Estate Anguilla Beach, Buccaneer Beach, Tamarind Reef Lagoon, Green Cay Beach and Enfield Green Beach.
  - (B) All other Class "B" waters included in color and turbidity criteria in section 186-3(b)(11)(B) of this chapter.

(c) Class "C" (aquatic life and primary contact recreation):

- (1) St. Thomas:
  - (A) St. Thomas Harbor beginning at Rupert Rock and extending to Haulover Cut.
  - (B) Crown Bay enclosed by a line from Hassel Island at Haulover Cut to Regis Point at West Gregerie Channel.
  - (C) Krum Bay.
- (2) St. Croix:
  - (A) Christiansted Harbor from Fort Louise Augusta to Golden Rock.
  - (B) Frederiksted Harbor from La Grange to Fisher Street.
  - (C) Hess Oil Virgin Islands Harbor.
  - (D) Martin-Marietta Alumina Harbor.



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| <b>14. ABSTRACT</b><br>Environmental assessments help determine compliance with current environmental regulations. The U.S. Air Force, U.S. Army, Defense Logistics Agency (DLA), and Corps of Engineers (Civil Works) have adopted environmental compliance programs that identify compliance problems before they are cited as violations by the U.S. Environmental Protection Agency.<br><br>Since 1984, the U.S. Army Construction Engineering Research Laboratory, in cooperation with numerous Department of Defense (DOD) components, has developed environmental compliance assessment checklist manuals. The Environmental Assessment and Management (TEAM) Guide was developed for use by all DOD components. Currently there are five participating DOD components: the Air Force, Air National Guard, Army, Civil Works, and DLA. These agencies have agreed to share the development and maintenance of this Guide.<br><br>The Guide combines Code of Federal Regulations and management practices into a series of checklists that show legal requirements and the specific operations or items to review. TEAM Guide is supplemented by DOD component-specific manuals detailing DOD component regulations and policies. The Virgin Islands Supplement was developed to be used in conjunction with the TEAM Guide, using existing Virgin Islands environmental legislation and regulations as well as suggested management practices. |                                |                                     |  |  |
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